

EXHIBIT B

Deposition Transcript

Case Number: 1:22-cv-06781-JSR

Date: April 3, 2023

In the matter of:

STALEY, et al., v FOUR SEASONS
HOTELS AND RESORTS, et al.

Elizabeth Ortiz

**CERTIFIED
COPY**

Reported by:

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Notary Public

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ELIZABETH ORTIZ
APRIL 03, 2023

JOB NO. 568002

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Case No. 1:22-cv-06781-JSR

4 - - - - -x
5 SELENA STALEY, VIVIAN HOLMES, and OLIVE IVEY, on
6 behalf of themselves and all others similarly
7 situated,

8 Plaintiffs,

9 v.

10 FSR INTERNATIONAL HOTEL INC. d/b/a FOUR SEASONS
11 HOTELS AND RESORTS, HOTEL 57 SERVICES, LLC,
12 HOTEL 57, LLC, TY WARNER HOTELS & RESORTS, LLC, and
13 H. TY WARNER,

14 Defendants.

15 - - - - -x
16 299 Broadway, 17th Floor
17 New York, New York 10007

18 April 3, 2023
19 10:02 a.m.

20 DEPOSITION of ELIZABETH ORTIZ, the Defendant in
21 the above-entitled action, held at the above time
22 and place, taken before David Novick, a Shorthand
23 Reporter and Notary Public of the State of
24 New York, pursuant to Notice.
25

* * *

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H. TY WARNER

* * *

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1 E L I Z A B E T H O R T I Z,
2 the Defendant herein, having first been duly sworn
3 by the Notary Public, was examined and testified as
4 follows:

5 (By the court reporter:)

6 Q. Would you, once again, please state your
7 full name for the record?

8 A. Elizabeth Ortiz.

9 Q. And would you, once again, please state your
10 business address for the record?

11 A. Fifty-seven East 57th Street, New York, New
12 York 10022, I think.

13 EXAMINATION BY

14 MR. RISMAN:

15 Q. Good morning, Ms. Ortiz.

16 A. Good morning.

17 Q. My name is Maya Risman --

18 A. Hi, Maya.

19 Q. How are you? -- and I'm going to be asking
20 you a number of questions today related to the case
21 of Selena Staley, Vivian Holmes, and Olive Ivey on
22 behalf of themselves and all others similarly
23 situated, who are the Plaintiffs, against FSR
24 International Hotel Inc. d/b/a Four Seasons Hotel
25 And Resorts, Hotel 57 Services, LLC, Hotel 57, LLC,

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1 Ty Warner Hotels & Resorts LLC, and H. Ty Warner in
2 a cause of action against the entities that I just
3 named. If there are any questions that you do not
4 understand, please let me know, and I'll rephrase
5 my question. If you answer my question, it will be
6 presumed that you understood my question. Is that
7 clear?

8 A. Uh-huh. Yes.

9 Q. Okay. So the other thing is, during the
10 deposition, I would ask that you verbalize your
11 answers, so there's no "uh-huh" or nodding of the
12 head, because the court reporter can't transcribe
13 any physical movements.

14 A. Understood.

15 Q. So everything has to be verbally.
16 Understood?

17 A. Understood. Yes. Thank you.

18 Q. And the other thing that I would ask of you
19 is that you let me finish my question before you
20 answer my question, even though you may anticipate
21 what my question is.

22 A. Understood. Thank you.

23 Q. Have you ever testified before in any
24 deposition?

25 A. I have.

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1 Q. Which deposition did you testify in?

2 MS. LUNDY: Objection. You can answer.

3 A. Previous employers.

4 Q. For what previous employer did you testify?

5 MS. LUNDY: Objection.

6 A. It would be Interstate Hotels And Resorts, a

7 C.O.R.E. Hotels And Resorts.

8 Q. What was your position at Interstate? --

9 A. Yes.

10 Q. -- Hotels And Resorts?

11 A. Director of Human Resources.

12 Q. When was it that you were working there as

13 Director of Human Resources?

14 A. 2003 to 2015.

15 Q. And do you recall in which action you

16 testified on their behalf?

17 MS. LUNDY: Objection.

18 A. Not specifically.

19 Q. Do you remember what the action was about?

20 MS. LUNDY: Objection.

21 A. Not specifically.

22 Q. How many times did you testify?

23 A. In my career? I don't remember.

24 Q. Was it more than ten times?

25 A. Less than ten.

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1 Q. Was it more than five times?

2 A. Probably more than five.

3 Q. So somewhere between five and ten times you
4 think you testified?

5 A. Yes.

6 Q. And every time you testified, it was in your
7 role as an HR Director?

8 MS. LUNDY: Objection.

9 A. I don't remember.

10 Q. What other role did you have when you worked
11 for Interstate Hotels?

12 A. Probably just as an individual.

13 Q. Have you ever testified as an individual at
14 a deposition?

15 MS. LUNDY: Objection.

16 A. I don't remember.

17 Q. Have you ever been sued as a defendant in a
18 case?

19 MS. LUNDY: Objection.

20 A. No.

21 Q. Have you ever had a lawsuit as a plaintiff
22 against an entity or individual?

23 MS. LUNDY: Objection.

24 A. No.

25 Q. Have you ever testified in Court?

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1 MS. LUNDY: Objection.

2 A. No.

3 Q. Have you ever testified anywhere else other
4 than Court or at a deposition?

5 MS. LUNDY: Objection.

6 A. Not that I recall.

7 Q. Prior to testifying today, did you review
8 any documents to refresh your recollection?

9 MS. LUNDY: Objection to the extent the
10 question calls for privileged communication with
11 her Counsel; otherwise, you can answer,
12 Ms. Ortiz.

13 A. I have.

14 Q. Which documents did you review?

15 A. Multiple.

16 Q. Can you name what they are?

17 MS. LUNDY: Objection.

18 A. Multiple. E-mails, paper trail. Multiple.

19 Q. Did you review more than 50 documents prior
20 to testifying today?

21 A. I don't remember.

22 Q. Did you review more than a hundred documents
23 prior to testifying today?

24 A. Possibly.

25 Q. And when you reviewed those documents, did

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1 you review them by yourself or with someone else?

2 MS. LUNDY: Objection. To the extent it
3 calls for privileged communication with her
4 Counsel, Ms. Ortiz can answer.

5 A. Both individually and with Counsel.

6 Q. And how long did it take you to review these
7 documents?

8 A. I can't quantify over periods -- over a
9 period of time.

10 Q. Did it take you more than five hours to
11 review these documents --

12 MS. LUNDY: Objection to --

13 Q. -- over a period of time?

14 MS. LUNDY: Objection to the extent it calls
15 for privileged communication with her Counsel.
16 You may answer, Ms. Ortiz.

17 A. Possibly.

18 Q. So did it take you more -- so for the
19 record, I'm not asking you for any privileged
20 communication that you had with your Counsel, so
21 these questions are strictly for you to answer, and
22 I will never be asking you for privileged
23 communication between you and your Counsel. Okay?

24 A. I understand.

25 Q. So did it take you longer than ten hours to

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1 review the documents that you reviewed prior to
2 testifying today?

3 MS. LUNDY: Objection.

4 A. I don't know. I mean, it's been over a
5 period of several months, so I can't quantify that.

6 Q. When did you first start reviewing the
7 documents that you reviewed prior to testifying
8 today?

9 A. Probably at the onset of receiving the
10 request.

11 Q. So you received the request to review
12 documents, correct?

13 MS. LUNDY: Objection.

14 A. Clarify that question?

15 Q. At some point, you received a request to
16 review documents related to this lawsuit?

17 MS. LUNDY: Objection to the extent it calls
18 for privileged communication.

19 A. So it's not a request to review; it would be
20 the request to produce documents, and at that time,
21 then I would have reviewed them if I'm producing
22 them.

23 Q. And after reviewing them, did you then make
24 copies of them?

25 A. No.

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1 Q. What did you do with them after you reviewed
2 them?

3 A. They're electronic.

4 Q. So after reviewing the documents, did you
5 then electronically send them over?

6 MS. LUNDY: Objection to the extent it seeks
7 privileged communications.

8 A. Yeah, I would have.

9 Q. Can you please describe your educational
10 background to me?

11 A. I have a Master's Degree in Psychology.

12 Q. Any other degrees?

13 A. I have a Bachelor's Degree in Communication
14 Arts.

15 Q. And where's your Master's Degree in
16 Psychology from?

17 A. William Paterson University.

18 Q. When did you get that?

19 A. I don't remember.

20 MS. LUNDY: Objection.

21 A. So I want to say 1980 -- 1986, maybe.

22 Q. And when did you obtain your Bachelor's
23 Degree?

24 A. I'm sorry. My Master's Degree was probably
25 1989; I was on an extended college plan; and my

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1 Bachelor's Degree would have been probably '87.

2 Q. And where was your Bachelor's Degree
3 obtained?

4 A. Same: William Paterson University.

5 Q. And prior -- okay. Withdrawn.

6 After you obtained your Psychology Degree,
7 where was the next job where you worked?

8 A. I moved to Greece.

9 Q. And how long did you live in Greece?

10 A. About seven years.

11 Q. And what did you do for work when you were
12 in Greece?

13 MS. LUNDY: Just note my general objection
14 to this line of questioning on the basis of
15 relevancy, but I won't keep making objections to
16 interrupt, but please note my objection. You
17 can answer, Ms. Ortiz.

18 A. At one point, I taught English.

19 Q. And at some point, did you move back to the
20 United States?

21 A. I did.

22 Q. And did you then obtain work in the
23 United States?

24 A. I did.

25 Q. And what was that work that you obtained?

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1 A. I don't know. I worked in various
2 restaurants and small restaurants and bars, and
3 then, I got into Human Resources at the
4 Rainbow Room.

5 Q. When you say you got into Human Resources at
6 the --

7 A. I was hired as a Human Resources assistant.

8 Q. So I would just remind you, you just have to
9 let me finish the question --

10 A. Okay.

11 Q. -- and then you answer; it's just easier for
12 the transcriber to transcribe.

13 MS. RISMAN: Correct?

14 Q. I'm sorry. So what year was it that you
15 worked in the Rainbow Room?

16 A. So I would say 1990 -- 1993 until -- or 1994
17 until probably 1996 -- no, 1997.

18 Q. And after that, where did you work?

19 A. I worked for -- as a Director of Human
20 Resources for a group called -- I don't even
21 remember the name of the group, but it was owned by
22 a gentleman by the name of Pino -- P-I-N-O --
23 Luongo -- L-U-O-N-G-O, I guess -- and he had a
24 group of restaurants across the country.

25 Q. And how long did you work there?

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1 A. A year.

2 Q. And what did you do for work after that?

3 A. I was hired as the Director of Talent
4 Acquisition at Tavern on the Green, and then, I
5 became the Director of Employment at Tavern on the
6 Green.

7 Q. And what years did you do that?

8 A. Probably '97 to '99, maybe.

9 Q. And what did you do for work after 1999?

10 A. So it was the same owner as Tavern on the
11 Green; we opened the Russian Tea Room.

12 Q. What year was that?

13 A. I want to say the Russian Tea Room we opened
14 probably in 2000. I don't recall specifically.

15 Q. What was your position at the Russian
16 Tea Room?

17 A. Director of Human Resources.

18 Q. How many employees was -- withdrawn.

19 How many employees worked at the Russian
20 Tea Room at the time that you were the Director?

21 MS. LUNDY: Objection.

22 A. I don't remember.

23 Q. And after working at the Russian Tea Room,
24 where did you work?

25 A. Windows on the World in the World Trade

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1 Center.

2 Q. How long did you work there for?

3 A. Until September 11th, 2001.

4 Q. Okay.

5 (Whereupon, a discussion was held off the
6 record.)

7 Q. Back on. After working at the Windows on
8 the World, where did you work?

9 A. I was a freelance consultant for a couple of
10 years.

11 Q. And how long did you do that for?

12 A. Probably until about -- until I started at
13 the Roosevelt, and I want to say I started at the
14 Roosevelt probably in either 2003 or 2004; I want
15 to say probably 2004.

16 Q. And what was your position at the Roosevelt?

17 A. Director of Human Resources.

18 Q. And how long did you work there as the
19 Director of Human Resources?

20 A. Twelve years, maybe.

21 Q. And where did you work after the Roosevelt?

22 A. I worked for the Sofitel at a C.O.R.E.
23 Hotels.

24 Q. And when you worked at the Sofitel, what was
25 your position there?

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1 A. Director of Human Resources.

2 Q. And how long did you work there for?

3 A. About four-and-a-half years.

4 Q. And after working at the Sofitel, where did
5 you work?

6 A. Hotel 57 Services, LLC.

7 Q. And how long did you work for Hotel 57
8 Services, LLC?

9 MS. LUNDY: Objection. You can answer.

10 A. I'm still employed by them.

11 Q. Did you ever tell anyone that you worked for
12 the Four Seasons Hotels And Resorts?

13 MS. LUNDY: Objection.

14 A. Yes.

15 Q. Who did you tell that you worked at the
16 Four Seasons Hotels And Resorts?

17 MS. LUNDY: Objection.

18 A. Random people; I mean, I don't know
19 specifics.

20 Q. Do you know the difference between
21 Hotel 57, LLC and Four Seasons Hotels And Resorts?

22 MS. LUNDY: Objection.

23 A. I don't know the specific structure; they're
24 different entities; I don't know the specific
25 business structure, but my employer's at Hotel 57;

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1 the Four Seasons would be the operator.

2 Q. So when you told people in the past that you
3 worked for Four Seasons Hotels And Resorts, is that
4 statement accurate?

5 MS. LUNDY: Objection.

6 MR. WAGNER: And objection.

7 A. That's the operator, so my employer is
8 Hotel 57 Services.

9 Q. So why would you tell anyone that you worked
10 for Hotel 57 -- withdrawn.

11 Why would you tell anyone that you worked
12 for Four Seasons Hotels And Resorts?

13 MS. LUNDY: Objection.

14 A. Because that's the operator, and I mean it's
15 more known than -- I mean, in the hotel industry,
16 it's a hotel with a brand name that's known, so it
17 would make more sense -- it's more recognizable.

18 Q. So did you ever work directly for
19 Four Seasons Hotels And Resorts?

20 MS. LUNDY: Objection.

21 MR. WAGNER: Objection.

22 A. I don't think so. I mean, my employer is
23 Hotel 57.

24 Q. On your LinkedIn page, does it state that
25 you worked for Four Seasons Hotels And Resorts?

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1 MS. LUNDY: Objection.

2 A. Probably.

3 Q. Why would it state that there?

4 A. Again, it's the brand name, it's the
5 operator.

6 Q. Is that your employer?

7 MS. LUNDY: Objection.

8 A. The employer's Hotel 57.

9 Q. So I'm going to show you what we're marking
10 as Plaintiffs' Exhibit 1.

11 (Whereupon, Page 1 of 4 of
12 Ms. Elizabeth Ortiz's LinkedIn biography pages
13 was marked as Plaintiffs' Exhibit 1 for
14 identification, as of this date.)

15 Q. Ms. Ortiz, we're going to be presenting you
16 with what's just been marked as Plaintiffs'
17 Exhibit 1. Do you recognize what that is?

18 A. Yes.

19 Q. What is that?

20 A. It's my LinkedIn page.

21 Q. And is it accurate that your LinkedIn page
22 states that you are the Director of People and
23 Culture at Four Seasons Hotel And Resorts?

24 A. Yes.

25 Q. Is that statement not accurate?

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1 MS. LUNDY: Objection.

2 A. I'm not sure what what you mean by "not
3 accurate." It sounds like a trick question.

4 Q. I'm not trying to trick you; I'm just trying
5 to see whether this is what is on your LinkedIn
6 page.

7 A. That's what's on my LinkedIn page.

8 Q. So my question to you is, is what is on your
9 LinkedIn page accurate or inaccurate?

10 MS. LUNDY: Objection.

11 A. It would be accurate for the purposes of
12 people wanting -- or for people knowing a brand.

13 Q. And when you say it would be accurate for
14 people wanting --

15 A. It's a brand recognition. That's the
16 operator. The operator is Four Seasons Hotels And
17 Resorts.

18 Q. But it states that you're the Director of
19 People and Culture of Four Seasons Hotels And
20 Resorts, correct?

21 A. Uh-huh. Uh-huh.

22 Q. So my question to you is, is that statement
23 accurate that you are the Director of People and
24 Culture at Four Seasons Hotels And Resorts?

25 MS. LUNDY: Objection.

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1 A. Yes, for the purposes of the brand
2 recognition. However, I am employed by Hotel 57
3 Services, LLC. I would employ Hotel 57
4 Services, LLC just as Sofitel Luxury Resorts;
5 that's the operator, but I was -- would be employed
6 by a different business entity. It's the structure
7 -- it's the business structure of the different
8 entities.

9 Q. So you were never employed by Sofitel Luxury
10 Hotels And Resorts?

11 MS. LUNDY: Objection.

12 A. So the business entity would have been
13 something else; I don't remember what it is, but
14 the business entity then does business as Sofitel
15 Luxury Hotels And Resorts.

16 Q. When you were employed by Sofitel Luxury
17 Hotels And Resorts, did you work there with
18 Rudy Tauscher?

19 MS. LUNDY: Objection.

20 A. Yes, I did.

21 Q. Did you know Mr. Tauscher from working with
22 him at Sofitel --

23 A. I did.

24 Q. You just have to let me finish. -- Sofitel
25 Hotels And Resorts?

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1 A. Okay.

2 Q. Yes?

3 A. Yes.

4 Q. Is that the first time that you met him,
5 when you worked there together?

6 MS. LUNDY: Objection.

7 A. I believe so.

8 Q. And what was his position at Sofitel Hotels
9 And Resorts?

10 MS. LUNDY: Objection.

11 A. He was hired as the General Manager or the
12 -- yeah, he was hired as the General Manager.

13 Q. Do you recall what year that was?

14 A. No.

15 Q. When you first started working at
16 Hotel 57, LLC and prior to being hired, did
17 somebody interview you for that position?

18 MR. WAGNER: Objection. And let me just
19 state the reason for my objection. When you
20 asked her the question "Before you were hired by
21 Hotel 57, LLC" --

22 MS. RISMAN: I'm going to withdraw it.

23 Q. At some point, you said you began working
24 for Hotel 57, LLC, correct?

25 MR. BRUSTEIN: Services.

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1 MR. WAGNER: Services. That was the nature
2 of my --

3 Q. At some point -- I'm going to withdraw that
4 too. At some point, Ms. Ortiz, you said that you
5 began working for Hotel 57 Services, LLC, correct?

6 A. Yes.

7 Q. Did somebody interview you for that
8 position?

9 A. Yes.

10 Q. Who interviewed you?

11 A. It would have been initiated by the
12 General Manager, Rudy Tauscher; I mean, I wouldn't
13 have had the -- so it had been initiated by the
14 General Manager, Rudy Tauscher; then, I was
15 interviewed by Stacey Koppel (phonetic), probably,
16 who's the Regional Director of the operating
17 entity, and then Abigail Charpienter --
18 C-H-A-R-P-I-E-N-T-E-R, I believe.

19 (Whereupon, a discussion was held off the
20 record.)

21 Q. Ms. Ortiz, who does Stacey Koppel work for?

22 MS. LUNDY: Objection.

23 A. I don't know.

24 Q. Does she work for Four Seasons Hotels And
25 Resorts?

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1 MR. WAGNER: Objection.

2 MS. LUNDY: Objection.

3 A. I don't know what the entity is.

4 Q. Do you know if Stacey Kopel works for
5 Hotel 57, LLC? I'm sorry. Let me re-ask that. Do
6 you know if Stacey Kopel works for Hotel 57
7 Services, LLC?

8 MS. LUNDY: Objection.

9 A. I do not know.

10 Q. Do you know who Abigail Charpienter works
11 for?

12 MS. LUNDY: Objection.

13 A. No, I do not.

14 Q. Do you know if Abigail Charpienter works for
15 Hotel 57 Services, LLC?

16 A. I do not.

17 Q. Do you know if she works for Four Seasons
18 Resorts And Hotels?

19 MS. LUNDY: Objection.

20 A. I don't know the business entity.

21 Q. Do you know if she works for
22 FSR International Hotel Inc.?

23 MS. LUNDY: Objection.

24 A. I don't.

25 Q. Now, does Hotel 57 Services, LLC do business

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1 as the Four Seasons Hotel New York?

2 A. I don't know.

3 Q. Have you ever seen the words Four Seasons
4 Hotel New York?

5 A. Yes.

6 Q. Where have you seen those?

7 MS. LUNDY: Objection.

8 A. On the marquee, on letterhead, on various
9 operating documents.

10 Q. Do you know the reason that that's on the
11 letterhead?

12 A. They're the operator.

13 Q. Four Seasons Hotel New York is the operator
14 of the hotel?

15 MS. LUNDY: Objection.

16 A. Yes.

17 Q. How do you know that?

18 A. Because they're the operator. I mean, I
19 don't know -- it's the business entity that
20 operates the property. There are operators and
21 there are owners, and depending on the flag -- you
22 know, there's the Four Seasons flag, there's the
23 Marriott flag, there's a -- depending on the
24 brandings. Those are all the operators; they're
25 not the owning entity or necessarily the employer.

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1 Q. So I'd like to focus your attention only on
2 this particular hotel --

3 A. Okay.

4 Q. -- and the Four Seasons --

5 A. Okay.

6 Q. -- Hotels, so anything to do with Marriott
7 or another hotel, you know, I don't want you to
8 testify about here.

9 A. Understood.

10 Q. So when I'm asking you about this particular
11 Hotel, I'm only asking about the Four Seasons Hotel
12 New York, correct?

13 A. Okay.

14 Q. And you said that those words are on the
15 marquee? --

16 A. Yes.

17 Q. -- stating the Four Seasons Hotel New York,
18 correct?

19 A. Yes.

20 Q. And they are on the letterhead, correct?

21 A. Yes.

22 Q. And that is letterhead that you then would
23 sign a letter for?

24 MS. LUNDY: Objection.

25 A. Yes.

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1 Q. Where else do you see the words Hotel -- I'm
2 sorry. Withdrawn.

3 Where else would you see the words Four
4 Seasons Hotel New York in your work at the hotel?

5 MS. LUNDY: Objection.

6 A. Multiple places. I mean, I can't
7 singular-specify where, but it would be multiple
8 places; I mean, it's the brand, right? It's the
9 logo. It's the -- wherever the operator would put
10 a logo.

11 Q. So is it your understanding that Hotel 57
12 Services, LLC would put that logo somewhere or some
13 other entity?

14 MS. LUNDY: Objection.

15 A. Clarify your question?

16 Q. Yeah. Is it your understanding that the
17 logo and the brand Four Seasons Hotel New York was
18 placed there by Hotel 57 Services, LLC?

19 MS. LUNDY: Objection.

20 A. I don't know.

21 Q. Do you know if it was placed there by
22 another entity?

23 MS. LUNDY: Objection.

24 A. I don't know.

25 Q. And you've written letters with the

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1 letterhead Four Seasons Hotel New York at the top
2 of the letter, correct?

3 A. Yes.

4 Q. Okay. Where did you get the letterheads
5 from?

6 A. They would have been ordered -- the
7 Purchasing Department -- but I don't know -- I
8 don't know where. I know where I ordered them
9 from: I ordered them through Purchasing. I don't
10 know where they come from specifically, if they're
11 -- I don't know.

12 Q. Ms. Ortiz, when you were working for
13 Hotel 57 Services, LLC, who was your supervisor --

14 MS. LUNDY: Objection.

15 Q. -- when you first started working there?

16 A. So my role reports to the role of
17 General Manager.

18 Q. Who was the General Manager when you first
19 began working for Hotel 57 Services, LLC?

20 A. Rudy Tauscher.

21 Q. And what year was that?

22 A. 2019.

23 Q. And what month was that?

24 A. I don't remember. I think, October. It was
25 October. Yes. October.

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1 Q. And when you began as the Director of Human
2 Resources at Hotel 57 Services LLC, who did you
3 supervise?

4 MS. LUNDY: Objection.

5 A. Well -- I mean, my division -- that role
6 oversees the People and Culture division with the
7 responsibility towards overseeing each of the
8 different divisions; that's something -- that's
9 normally what HR does.

10 Q. Okay. And did you always have the same
11 position the entire time that you've been working
12 for Hotel 57 Services, LLC?

13 A. Yes.

14 Q. And at some point in time, Mr. Rudy Tauscher
15 was no longer the General Manager there, correct?

16 A. Correct. He resigned.

17 Q. He resigned? Yes?

18 A. Yes.

19 Q. And when was it that he resigned?

20 A. I want to say January of 2021.

21 Q. And do you know the reason that he resigned?

22 A. I do not.

23 Q. And after he resigned, do you know where he
24 went to work?

25 A. Not for certain.

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1 Q. After Mr. Tauscher resigned, did you stay in
2 touch with him?

3 A. I have.

4 Q. Are you friends with him on LinkedIn?

5 A. I don't know. Probably. I don't know.

6 Q. Do you know if he went to the Aman Hotel in
7 New York City?

8 A. I did. I never -- you know, I never
9 specifically contacted him there or spoke to him
10 there, but that's my understanding.

11 Q. Do you know if Mr. Tauscher's position was
12 ever eliminated at Hotel --

13 A. I don't. Sorry.

14 Q. It's okay -- at Hotel 57 Services, LLC?

15 A. That's a mouthful. What do you mean
16 specifically by that?

17 Q. Do you know if Mr. Tauscher's position was
18 ever eliminated at Hotel 57 Services, LLC?

19 MS. LUNDY: Objection.

20 A. That's not eliminated. I mean, it's just we
21 haven't filled the position.

22 Q. So currently, nobody is the manager of the
23 hotel --

24 MR. WAGNER: Objection.

25 Q. -- known as the Four Seasons Hotel New York,

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1 correct?

2 MS. LUNDY: Objection.

3 A. I would ask for more clarity on that
4 question.

5 Q. Okay. Do you currently have -- withdrawn.

6 Does Four Seasons Hotel New York currently
7 have a general manager?

8 MS. LUNDY: Objection.

9 A. There is a general manager position; it is
10 not currently filled; it is currently vacant.

11 Q. And how long has that position been vacant
12 for?

13 A. Since Rudy Tauscher's resignation.

14 Q. Do you know if any efforts have been made to
15 fill that position?

16 A. Not at this juncture.

17 Q. Do you know why not?

18 MS. LUNDY: Objection.

19 A. I don't currently know. No.

20 Q. Do you know who has made the decision not to
21 make any attempts to fill the position of General
22 Manager at the Four Seasons Hotel New York?

23 A. I don't currently know.

24 MS. LUNDY: Objection.

25 Q. When you first began working at Hotel 57

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1 Services, LLC, what were your duties?

2 A. Well, I mean, that's a broad question. I
3 think my responsibility is to oversee the daily
4 activities of the People and Culture division,
5 which includes oversight on benefits and
6 compensation, labor relations, employee relations
7 -- am I missing anything? -- talent management,
8 recruiting, training.

9 Q. Did your duties ever change throughout the
10 time from when you first started working at
11 Hotel 57 Services, LLC up until the present time?

12 A. They have.

13 Q. How have they changed?

14 A. Well, I no longer have a division to have
15 oversight on. I'm a single person in the division
16 with oversight on everything that I just mentioned,
17 but also not limited to -- including oversight, to
18 -- the employees that are currently in the
19 building, not limited to ensuring that the
20 structure of the building is safe and secure, not
21 limited to ensuring that the employees have a safe
22 and secure work environment, not limited to the
23 response of any inquiries that come into the hotel.
24 So it has changed now from a specific divisional
25 oversight into a more general oversight, still

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1 focused on the People and Culture tasks, but
2 however, including a broader oversight of the
3 property overall.

4 Q. When you say "a broader oversight of the
5 property," do you mean the actual physical
6 structure of the hotel?

7 A. Yes.

8 Q. What do you do to make sure that you are
9 properly supervising the physical structure of the
10 hotel?

11 MS. LUNDY: Objection.

12 A. Well, from a safety and security level,
13 making sure that -- you know, working in
14 collaboration with our Engineering Team, making
15 sure that our water chillers are up and running,
16 making sure that our water movement is done in such
17 a way so that we don't attract, you know, bacteria
18 or Legionnaire's disease, making sure that the flow
19 of the water throughout the building is safe and
20 secure. This is not something I do personally, but
21 it's oversight to those divisions that would ensure
22 that. Making sure that we don't have any -- in
23 collaboration with the team that's there, making
24 sure that we don't have any walk-ins off the street
25 that breach security, ensuring that we have, you

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1 know, a clean, well-lit property, general
2 management of the building and the team that's
3 there.

4 Q. And do you have to do all those things
5 because the hotel is not operational?

6 MS. LUNDY: Objection.

7 A. It's a limited crew.

8 Q. But had the hotel been operational for
9 business, would you have to do all of the things
10 that you just mentioned?

11 MS. LUNDY: Objection.

12 A. No.

13 Q. How many people currently work at the hotel?

14 A. On a rotational scheduled basis, 25.

15 Q. And when you say "On a rotational scheduled
16 basis," what does that mean?

17 A. Well, there's not 25 people all at one time;
18 it's shift work. So there are rotational shifts
19 throughout the day, so at any one time, there's not
20 25 people in the building; it's 25 people that are
21 currently working.

22 Q. So are there 25 people currently on a
23 payroll of the hotel?

24 MS. LUNDY: Objection.

25 A. I can't answer that question.

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1 Q. Who does the payroll for the hotel?

2 MS. LUNDY: Objection.

3 A. We have a finance duo.

4 Q. Who is that?

5 A. We have a staff accountant, and then, we
6 have a Director of Finance.

7 Q. Did you ever do payroll for the hotel?

8 A. I don't process payroll, no. I provide data
9 for payroll to be processed.

10 Q. Would you provide the data for the people
11 that process the payroll?

12 A. Sometimes.

13 Q. Other than you, is there anybody else from
14 the hotel that provides the data to the people that
15 process the payroll?

16 A. Yeah. The Director of Security would.

17 Q. Who is that?

18 A. Steve Tablan (phonetic).

19 Q. Is he one of the 25 employees?

20 A. He is.

21 Q. The 25 employees that currently work at the
22 hotel, are they full-time employees?

23 A. No.

24 Q. The 25 people that you just mentioned, do
25 any of them receive less than 50 percent of their

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1 full-time annual salary?

2 MS. LUNDY: Objection.

3 A. Yes.

4 Q. How many of them?

5 MS. LUNDY: Objection.

6 A. I don't know off the top of my head.

7 MS. RISMAN: We would seek the production of
8 those people that receive less than 50 percent
9 of their annual salary. We have requested this
10 in the past and should have already received
11 that; we do not have that information.

12 MS. LUNDY: By Counsel, we ask that you
13 follow up in writing and we'll consider your
14 request.

15 Q. Do you know where the payroll records are
16 kept?

17 A. They're electronic.

18 Q. Are they kept in a particular computer?

19 A. No. They're on a server.

20 Q. Do you know what payroll company you use?

21 MS. LUNDY: Objection.

22 A. I do.

23 Q. What is it?

24 A. ADP.

25 Q. Does that same server also keep W-2 forms

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1 for employees or past employees?

2 A. Yes.

3 MS. LUNDY: Objection.

4 Q. Does it keep W-2s for both current employees
5 and past employees?

6 A. Yes.

7 Q. And do you have access to those W-2s?

8 MS. LUNDY: Objection.

9 A. I do.

10 Q. Who sends out the W-2s from the hotel?

11 MS. LUNDY: Objection. You -- Ms. Risman,
12 you use the term "hotel"; I just want to clarify
13 what you're referring to, if you don't mind --

14 MS. RISMAN: So, for the record, the entire
15 time that Mr. Boland took the depositions, he
16 was saying "the hotel," and it seemed like
17 everybody understood what that meant.

18 Q. Do you understand what I mean when I say
19 "the hotel"?

20 A. I do.

21 MS. LUNDY: I don't understand, so I'd like
22 clarity, please.

23 MS. RISMAN: So maybe you should ask
24 Mr. Boland what he meant when he said "the
25 hotel" during his deposition.

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1 MS. LUNDY: Ms. Risman, you weren't present
2 when I was deposing Spillane and I don't think
3 my request is out of line, so I'm just asking
4 you to clarify --

5 MS. RISMAN: So the only request that you
6 can have for the record is an objection to form;
7 that's the only objection you could have, but
8 speaking objections, as you know, are not
9 allowed. So I understand that you're trying to
10 say that you want me define "the hotel," but
11 that is not something for you to say during the
12 deposition. You could say "objection to your
13 interrogatories," "objection to our demands,"
14 but during the deposition, you can't say -- and
15 the Witness just stated that she knows what I
16 mean when I say "the hotel."

17 MS. LUNDY: Ms. Risman, I appreciate the
18 instruction and direction about how to object to
19 questions during depositions, but I was merely
20 trying to avoid the need to object to every
21 single question when you use the term "hotel." I
22 will continue making that objection, and we can
23 proceed; I was merely trying to keep the record
24 a little bit cleaner, but please proceed.

25 MS. RISMAN: Thank you.

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1 Q. Ms. Ortiz, the hotel that you work is known
2 as the Four Seasons Hotel New York, correct?

3 A. That's the operator.

4 Q. Is that the name that the hotel is known
5 for?

6 MS. LUNDY: Objection.

7 A. That's the -- that's the flag, that's the
8 operator.

9 Q. When people stayed at the hotel when the
10 hotel was still open, did people stay at the Four
11 Seasons Hotel New York?

12 MR. WAGNER: Objection.

13 MS. LUNDY: Objection.

14 A. I guess so.

15 Q. Do you know when people stayed at the hotel
16 located at 57 East 57th Street in New York,
17 New York whether they thought they were staying at
18 the Hotel 57 Services, LLC?

19 MS. LUNDY: Objection.

20 MR. WAGNER: Objection.

21 A. I can't speak for what other people thought
22 or what guests think.

23 Q. Do you know of the hotel located at 57 East
24 57th Street as ever being known as Hotel 57
25 Services, LLC --

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1 MR. WAGNER: Objection.

2 MS. LUNDY: Objection.

3 Q. -- to any guests that were staying there?

4 MS. LUNDY: Objection.

5 A. I don't know. I don't know. I can't speak
6 for what guests think.

7 Q. Ms. Ortiz, do you know what Hotel 57, LLC
8 is?

9 A. Hotel 57 -- no, I don't.

10 Q. Have you ever heard of the company
11 Hotel 57, LLC?

12 A. No.

13 Q. Ms. Ortiz, have you ever heard of Ty Warner
14 Hotels & Resorts?

15 A. Yes.

16 Q. What entity is Ty Warner Hotels & Resorts?

17 MS. LUNDY: Objection.

18 A. It's a different operating entity.

19 Q. And how did you ever become aware of
20 Ty Warner Hotels & Resorts?

21 MS. LUNDY: Objection.

22 A. It's just a different operating entity, but
23 I know that -- actually, I don't know how I became
24 aware. I don't know.

25 Q. Have you ever seen e-mails from Ty Warner

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1 Hotels & Resorts or Ty Warner Hotels & Resorts LLC?

2 A. Not specifically that name.

3 Q. Have you ever seen e-mails from either
4 Ty Warner Hotels & Resorts or Ty Warner Hotels &
5 Resorts LLC where that is stated in the signature
6 line of an e-mail?

7 MS. LUNDY: Objection.

8 A. Probably.

9 Q. Ms. Ortiz, do you know when the hotel known
10 as the Four Seasons Hotel New York closed for
11 guests?

12 MS. LUNDY: Objection.

13 A. Well, it was a State mandate, right, so it
14 would have been in March of 2020.

15 Q. Do you know if all hotels in New York City
16 closed in March of 2020?

17 A. To the best of my knowledge, I believe so,
18 or -- actually, no, I don't know. I believe --
19 what I recall -- and it was such a very weird time.
20 What I recall is the closure of -- the State
21 mandate specifying closure to everything but
22 essential businesses.

23 Q. And is it during that time that the hotel
24 where you worked closed for guests?

25 MS. LUNDY: Objection.

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1 A. Well, yeah. I mean, it was mandated by the
2 State.

3 Q. But are you aware of any hotels that
4 remained open?

5 MS. LUNDY: Objection.

6 A. No. I don't remember. I don't know.

7 Q. Do you know who decided to close the hotel
8 for guests in March of 2020?

9 MS. LUNDY: Objection.

10 A. Again, my recollection is that it was a
11 State mandate that any businesses that were
12 considered nonessential were to be closed; that's
13 my recollection.

14 Q. Do you know how long that State mandate
15 lasted for?

16 A. I don't remember.

17 Q. Do you know if there's still a State mandate
18 going on now where hotels have to remain closed?

19 MS. LUNDY: Objection.

20 A. I don't know specifically, but I don't
21 believe there is.

22 MS. LUNDY: Can we take a break, please?

23 (Whereupon, a break was taken at 10:51 a.m.,
24 and the deposition resumed at 10:58 a.m.)

25 (Whereupon, the requested portion of the

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1 record was read back.)

2 Q. So, Ms. Ortiz, how many employees are
3 currently in the building at each individual time?

4 A. Probably -- so there's three -- wait. One,
5 two -- there's three shifts. So there's three
6 shifts, so at any time, like, a third of that 25; I
7 guess that mathematically makes sense. Yes.

8 Q. Is it fair to say that every single person
9 of those 25 people that currently work for Hotel 57
10 Services, LLC work only part-time?

11 MS. LUNDY: Objection.

12 A. No.

13 Q. How many of those 25 people work part-time?

14 A. I don't know. I would have to look. As
15 I've said earlier, I can't remember off the top of
16 my head. Maybe five, but I'm not sure.

17 Q. Maybe five work part-time?

18 A. Yes.

19 Q. Do the other people work full-time?

20 MS. LUNDY: Objection.

21 A. Yes.

22 Q. Do you currently work full-time?

23 A. Yes.

24 Q. Did your salary ever decrease during your
25 tenure as Director of People and Culture?

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1 MS. LUNDY: Objection.

2 A. There was a period where we went on reduced
3 work weeks, but the overall salary didn't decrease;
4 it's just we were paid -- I think there was a
5 period of time where -- or I may have used vacation
6 time -- I don't remember, but there was a period of
7 time where I went from five to four days, but I
8 don't know how long that was.

9 Q. And during that period of time that you went
10 from five to four days, you were only paid for four
11 days of work, correct?

12 A. Correct.

13 Q. And how long did that last for?

14 MS. LUNDY: Objection.

15 A. I don't remember.

16 Q. Are you back to being paid for five days a
17 week?

18 A. I am.

19 Q. Did there come a time that the employees at
20 Hotel 57 Services, LLC were placed on furlough?

21 MS. LUNDY: Objection.

22 A. Yes.

23 Q. And who determined that those employees were
24 to be placed on furlough?

25 A. I mean, I don't recall specifically. It

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1 would have been a collaboration based on the
2 circumstances at the time. I don't know whether
3 there was any one entity that made that
4 determination; I think it was a result of the
5 mandates, the virus. So it would have been a
6 collaboration.

7 Q. Ms. Ortiz, who was it a collaboration with?

8 MS. LUNDY: Objection.

9 Q. I'm going to rephrase that. What entities
10 made the decision to furlough the employees that
11 were employed at Hotel 57 Services, LLC?

12 MS. LUNDY: Objection.

13 A. Well, I mean, we were under State orders,
14 right, to close the hotel to guests, so I think it
15 was indirectly made by those State orders
16 initially.

17 Q. But when the hotel was closed to guests,
18 they were then reopened to medical personnel,
19 correct?

20 A. We did. It was a very short period of time
21 in between that closure and then the reopening to
22 medical personnel.

23 Q. So is it your testimony that there was a
24 State mandate only for a short period of time for
25 hotels to close?

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1 MS. LUNDY: Objection.

2 A. No, I don't remember the length of time. I
3 remember that we were allowed -- I don't remember,
4 because Broadway had shut down, the Philharmonic
5 had shut down, a lot of the U.N. wasn't in town.
6 From a business perspective, there wasn't any -- I
7 don't remember how long the mandate lasted, but it
8 was at that time that we -- that we -- furloughed
9 some of the employees.

10 Q. And at that time, how many employees did you
11 furlough when you say "we furloughed the
12 employees"?

13 A. I don't recall.

14 Q. And when you say "we furloughed the
15 employees," who do you mean when you say "we"?

16 A. The collaboration of the business entities,
17 right? It would be a collaboration between
18 Hotel 57 Services, LLC and the operator Four
19 Seasons, and then, you know, the people -- the
20 people at the property.

21 Q. And who are the people at the property?

22 A. The management team at the property.

23 Q. Who would that be?

24 A. I mean, there's multiple managers. The
25 Executive Committee consisted of the General

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1 Manager, myself, Director of Finance, Director of
2 Sales and Marketing, Director of Engineering,
3 Director of Food and Beverage, maybe, Director of
4 Rooms.

5 Q. Would all of those directors that you
6 mentioned collaborate with FSR International and
7 Four Seasons Hotel Services -- I'm sorry. I'm
8 going to withdraw that.

9 MS. RISMAN: And if you could just read the
10 last question back to me.

11 (Whereupon, the requested portion of the
12 record was read back.)

13 Q. Can we agree to abbreviate Four Seasons
14 Hotel New York as FSHR?

15 A. FS?

16 Q. FSH -- wait.

17 MR. WAGNER: I'm going to object to that,
18 because there are two different DBAs.

19 Q. FSHNY, and can we abbreviate FSR
20 International Hotels Inc. as FSR?

21 A. I don't know what the entities are. I
22 mean --

23 Q. Four Seasons Hotel New York, can we just
24 abbreviate that as FSHNY during this deposition?

25 A. FSNY.

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1 Q. Okay. Would you prefer FSNY?

2 A. That's fine.

3 Q. Okay. Perfect. So FSNY would be the hotel,
4 right? When I say that you're working at the
5 hotel, that would be Four Seasons New York,
6 correct?

7 A. The physical property.

8 Q. So as the Director of People and Culture,
9 you're the Director of People and Culture for the
10 Four Seasons New York, correct?

11 MS. LUNDY: Objection.

12 A. Hotel 57 Services, LLC.

13 Q. Okay. When you sent a letter out with the
14 letterhead Four Seasons New York and you signed the
15 bottom of the letter as Director of People and
16 Culture, can you agree that nowhere on the letter
17 does it say the words "Hotel 57 Services, LLC,"
18 correct?

19 A. I agree.

20 Q. So can we agree during this deposition that
21 when I'm referring to your role as working at the
22 hotel, I will be stating your role as working at
23 FSNY or Four Seasons New York?

24 MS. LUNDY: Objection.

25 Q. Can we agree on that?

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1 A. Sure.

2 Q. Ms. Ortiz, have you ever met Ty Warner?

3 A. No.

4 Q. Have you ever seen him?

5 MS. LUNDY: Objection.

6 A. Not in person.

7 Q. Okay. There was a time that Four Seasons
8 New York or FSNY, right, opened to medical
9 personnel, correct?

10 A. Uh-huh. Yes.

11 Q. And when was that?

12 A. I don't remember exact dates. It would have
13 been the end of March or early April in 2020.

14 Q. And who made the decision to allow medical
15 personnel to stay at the Four Seasons New York?

16 A. I don't know.

17 Q. Who told you that medical personnel were
18 staying at the Four Seasons New York?

19 MS. LUNDY: Objection.

20 A. Channel 11. I'm sorry, but that's true.

21 Q. So is it your testimony that nobody ran the
22 decision to have medical personnel stay at the Four
23 Seasons New York by you before that was done?

24 MS. LUNDY: Objection.

25 A. I think at that time there were so much

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1 going on with COVID, and I believe that we had an
2 awareness -- I think the State had asked for hotels
3 to open their doors if they could, so I think, like
4 all things during that time, there was speculation
5 that we possibly will do this. So we had -- it
6 would be fair to say that we had -- discussions
7 based on speculation or based on what if, but it
8 seems like the media outlets -- I honestly
9 remember, like, somebody said that Channel 11 was
10 outside, because we were opening to the medical
11 community. Did someone tell me ahead of time?
12 Probably. But I don't recall. I recall the
13 Channel 11 truck outside.

14 Q. And at that time that you recall seeing the
15 Channel 11 truck outside, were you physically
16 working in the building of the Four Seasons
17 New York?

18 A. I was.

19 Q. Did you ever stop working in the physical
20 building of the hotel?

21 A. Well, I'm on property most days; some days
22 I'm remote, but it fluctuates based on, you know,
23 what's needed on the property. But during that
24 period of time, the expectation was that we were to
25 be -- that we collectively, the management team,

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1 was to be -- on property every day.

2 Q. So were you on property every day in March
3 of 2020?

4 A. To the best of my recollection, yes.

5 Q. Did someone at Ty Warner Hotels & Resorts
6 make the decision to close the hotel for guests?

7 MS. LUNDY: Objection.

8 A. I don't know.

9 Q. Do you know who Cathy Hwang is?

10 A. I've spoken with her on the phone.

11 Q. Have you ever met her?

12 A. No.

13 Q. Do you know who she is?

14 MS. LUNDY: Objection.

15 A. My understanding is that -- I don't know for
16 sure, but my understanding is she works for Mr.
17 Ty Warner.

18 Q. And what is your understanding as to what
19 she does for Mr. Ty Warner?

20 A. I honestly don't know.

21 Q. Is it also your understanding that she works
22 for Ty Warner Hotels & Resorts?

23 A. I don't know what entity she works for.

24 Q. But you have corresponded with her via
25 e-mail, correct?

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1 A. I have.

2 Q. And you've spoken to her on the phone?

3 A. I have.

4 Q. Have you ever met her in person?

5 MS. LUNDY: Objection.

6 A. No.

7 Q. And do you correspond with Ms. Hwang when
8 you try to get a message out to Mr. Warner?

9 MS. LUNDY: Objection.

10 A. No, because I've never been in a position
11 where I needed to message him directly.

12 Q. Have you ever seen Mr. Tauscher attempt to
13 message Mr. Warner directly through
14 Ms. Cathy Hwang?

15 MS. LUNDY: Objection.

16 A. Probably.

17 Q. Do you recall having to have the permission
18 of someone from Ty Warner Hotels & Resorts prior to
19 having the hotel close for guests?

20 MS. LUNDY: Objection.

21 A. Could you be more specific, please?

22 Q. Did there come a time in March of 2020 where
23 you were made aware that Ty -- someone from
24 Ty Warner Hotels & Resorts agreed that the hotel
25 should be closed for guests?

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1 MS. LUNDY: Objection.

2 A. I don't remember specifically, but I'm
3 sure -- you know, because our decisions are all
4 collaborative, so I'm sure there was communication
5 to that effect, but I don't have specific knowledge
6 to it directly.

7 Q. Do you recall Mr. Tauscher ever telling you
8 that Mr. Warner wanted the hotel to be closed for
9 guests in March of 2020?

10 A. I don't remember specifically.

11 Q. Okay. Do you recall there being any tenants
12 at the Four Seasons New York --

13 MS. LUNDY: Objection.

14 Q. -- in March of 2020?

15 A. Can you clarify?

16 Q. In March of 2020, did the Four Seasons
17 New York have any tenants in any of the commercial
18 retail spaces?

19 A. Yes.

20 Q. How many tenants were there?

21 A. I don't know.

22 Q. Do you know if there are any tenants there
23 now?

24 A. Not operating.

25 Q. And at the time that the hotel closed for

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1 guests, did those retail stores also close?

2 A. I don't remember. I don't know when they
3 closed.

4 Q. Did Mr. Tauscher ever send any e-mails that
5 he exchanged with Ms. Cathy Hwang to you?

6 A. I'm sure. Specifically, I don't remember,
7 but I'm sure he did.

8 Q. Did he do that regularly?

9 MS. LUNDY: Objection.

10 A. I don't -- I don't know; I don't remember.

11 Q. What did you first hear about COVID?

12 MS. LUNDY: Objection.

13 A. I think it may have been in -- personally, I
14 remember -- I remember it being in, like, January
15 and February, because I had gone to -- my younger
16 brother was living in St. Louis and I had gone to
17 travel to see him because he was pretty ill at the
18 time, so it had to have been -- and we didn't
19 discuss; we kind of laughed about it. So
20 personally, probably in February, end of January.

21 Q. And do you recall hearing about COVID in
22 China?

23 MS. LUNDY: Objection.

24 A. I'm sure I did.

25 Q. And then there was an outbreak in Italy,

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1 correct?

2 MS. LUNDY: Objection.

3 A. I don't remember.

4 Q. And then, there came a time that you
5 investigated whether hotels had to be closed as a
6 result of the COVID pandemic, correct?

7 MS. LUNDY: Objection.

8 A. Did I investigate it? Clarify?

9 Q. Yeah. Did there ever come a time that you
10 investigated whether or not hotels had to be closed
11 as a result of the pandemic?

12 MS. LUNDY: Objection.

13 A. I don't know; I don't remember.

14 Q. Did you ever seek clarification from the
15 Governor's office as to whether hotels were exempt?

16 MS. LUNDY: Objection.

17 A. I don't know that it would have been with
18 the Governor's office; it probably would have been
19 with our local Council, but I don't remember
20 specifically.

21 Q. So I'm going to show you what we're going to
22 be marking as Plaintiffs' Exhibit 2.

23 (Whereupon, an e-mail to Elizabeth Ortiz
24 from info@news.hanyc.org dated 3-20-20 and
25 Bates-stamped WarnerDEF000700 was marked as

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1 Plaintiffs' Exhibit 2 for identification, as of
2 this date.)

3 Q. So Ms. Ortiz, I'm going to be showing you
4 what's just been marked as Plaintiffs' Exhibit 2.
5 Oh, wait. Actually, I gave you the wrong -- I'm
6 sorry. Does that document refresh your
7 recollection whether you sought clarification from
8 the Governor's office as to whether hotels are
9 exempt?

10 MS. LUNDY: Objection.

11 A. Yeah, but this wasn't from me; this was a
12 communication from our local Council.

13 Q. Yes, but I'm asking you whether this
14 refreshes your recollection as to whether you
15 sought clarification.

16 A. To a degree.

17 MS. LUNDY: Objection.

18 A. I don't remember the specific e-mail, but I
19 do remember the general idea around this at the
20 time.

21 Q. Did you -- at that time, did you think that
22 it was possible that the hotel would have to close
23 to guests?

24 A. I don't know what I thought at that time.

25 Q. I'm also going to be showing you what is

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1 marked as Plaintiffs' 3.

2 (Whereupon, an e-mail from NYF E-Mail to
3 Rudy Tauscher dated 2-27-20 and Bates-stamped
4 WarnerDEF000902 was marked as Plaintiffs'
5 Exhibit 3 for identification, as of this date.)

6 Q. I'm going to be showing you what's been
7 marked as Plaintiffs' Three, Bates-stamped
8 WarnerDEF902. So did you ever see that e-mail
9 before?

10 A. I mean, I must have. I'm listed in the user
11 group. I don't remember it specifically, but
12 again, I remember the general conversation.

13 Q. And what was the general conversation at
14 that time?

15 A. Just that we were waiting for direction;
16 like, you know, what was happening. It was so --
17 it was so abrupt and so sudden and so -- it was an
18 awful time, but I think that the likelihood of
19 having to be closed due to the pandemic was
20 becoming more and more realistic, whereas prior to,
21 I don't know, in February, it was more of
22 speculation.

23 Q. And would you agree with me that this e-mail
24 that we just marked as Plaintiffs' 3 Bates-stamped
25 WarnerDEF902 is dated February 27th, 2020, correct?

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1 A. Yes.

2 Q. So at that time, would you agree with me
3 that the likelihood that the hotel would be closing
4 was more reasonably probable, correct?

5 A. I don't know that we knew at that time that
6 we were going to shut down for sure. I think the
7 focus was more on hygiene and cleanliness and if
8 you're sick, stay home.

9 Q. So focusing your attention on the third
10 paragraph, where it states, "I am looking...for
11 official announcement such as school- or airport
12 interruptions, and info from sister FS properties
13 and FS Toronto," do you see that?

14 A. Yes, I do.

15 Q. Do you recall inquiring whether other
16 entities would be closing at that time due to the
17 COVID pandemic?

18 MS. LUNDY: Objection.

19 A. I don't recall specifically, but it's likely
20 that it was. I didn't -- I mean, I don't recall
21 specifically, but it's likely that we, you know,
22 wanted to know what everybody else was doing,
23 because that's just the collaborative effort of
24 hotels.

25 Q. And did you get any information from FS

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1 properties at that time?

2 MS. LUNDY: Objection.

3 A. I don't remember.

4 Q. And when it says "FS properties," they're
5 referring to other Four Seasons properties,
6 correct?

7 MS. LUNDY: Objection.

8 A. I can't testify to what he meant, but I
9 assume that that's what he meant.

10 Q. Other than other Four Seasons properties,
11 what do you think that could possibly mean, "FS
12 properties"?

13 MS. LUNDY: Objection.

14 A. I don't know.

15 Q. Okay. I'm going to be showing you what's
16 marked as Plaintiffs' 4, and I'm also going to be
17 showing you what's going to be marked as
18 Plaintiffs' 5.

19 (Whereupon, a 3-12-20 letter authored by
20 Elizabeth Ortiz and Bates-stamped
21 WarnerDEF003103 was marked as Plaintiffs'
22 Exhibit 4, and an e-mail from Elizabeth Ortiz
23 dated 3-13-20, Bates-stamped WarrenDEF003098,
24 was marked as Plaintiffs' Exhibit 5 for
25 identification, as of this date.)

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1 Q. So focusing your attention to Plaintiffs' 4,
2 Bates-stamped WarnerDEF3103, is that a letter from
3 you?

4 MS. LUNDY: Objection.

5 A. Yeah. Well, I signed it, so yes.

6 Q. And does the top of that letter state Four
7 Seasons Hotel New York?

8 A. It does.

9 Q. And the bottom of that letter states your
10 name, Elizabeth Ortiz, correct?

11 A. That's correct.

12 Q. And underneath there, it states Director,
13 People and Culture?

14 A. That's correct.

15 Q. And would you agree with me that this letter
16 was sent providing guidelines to the employees,
17 correct?

18 A. That's correct.

19 Q. And was this letter sent to all of the
20 employees?

21 A. That would be my recollection.

22 Q. Is there any reason to believe that your
23 recollection is not accurate?

24 A. The only reason it wouldn't have gone to all
25 employees is if we had -- if they had not opened

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1 their e-mail or -- I don't know that we had all
2 e-mail at that time, but this would have gone to
3 all the e-mail boxes that we had, so yes, the
4 intention was all employees.

5 Q. And focusing your attention to what's just
6 been marked as Plaintiffs' 5, Bates-stamped
7 WarnerDEF3098, would that refresh your recollection
8 whether this memo went to all employees?

9 A. Yes.

10 Q. So would it be fair and accurate to state
11 that this memo went to all the employees working at
12 Hotel 57 Services, LLC?

13 A. So the e-mail would have gone to all the
14 e-mail users of all employees, and then, it would
15 have been posted and distributed throughout
16 departments.

17 Q. So you'd agree with me this was an important
18 memo that you wanted all the employees of the Four
19 Seasons Hotel to have, correct?

20 A. Yes.

21 Q. And this memo talks about health and safety,
22 correct?

23 A. Yes.

24 Q. And also talking about quarantine and
25 isolation and social distancing, correct?

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1 A. Yes.

2 Q. And by the time that memo was sent, would
3 you agree with me that it was reasonably
4 foreseeable that the hotel may furlough their
5 employees?

6 MS. LUNDY: Objection.

7 A. I don't -- I don't know. I don't think it
8 was clear at the time; I think we've always had the
9 intention of just -- to answer your question, I
10 don't think it was clear at the time if we were
11 going to furlough employees.

12 Q. Okay. So focusing on your attention for
13 when the medical personnel were staying there, how
14 many people were working at the hotel at that time?

15 A. At which period of time?

16 Q. At the time that the medical personnel were
17 staying at the hotel.

18 A. I don't remember; I would have to look.

19 Q. Who was in charge of deciding how many
20 employees would be working at the hotel at the time
21 that the medical personnel were staying there?

22 A. I think it was a collaborate effort based on
23 our health and safety protocol, and the health and
24 safety protocol was established by International
25 SOS, so based on what they -- based on their

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1 recommendations, we would have had to scale the
2 employee base around those recommendations.

3 (Whereupon, an e-mail chain between
4 Rick Kaminskis and Frank Galasso, along with a
5 chart, and Bates-stamped WarnerDEF002482 was
6 marked as Plaintiffs' Exhibit 6 for
7 identification, as of this date.)

8 Q. Ms. Ortiz, focusing your attention to what's
9 just been marked as Plaintiffs' Exhibit 6,
10 Bates-stamped WarnerDEF2482, does that refresh your
11 recollection as to who was working there during the
12 time that the medical personnel was staying at the
13 hotel?

14 A. I don't remember the specific e-mail, but I
15 would say that it's -- I would say that it's -- in
16 line with what we needed at the time.

17 Q. Okay. So, Ms. Ortiz, you can see that
18 you're CC-ed on the e-mail on the bottom, correct?

19 A. Uh-huh. Yes.

20 Q. So you did receive this e-mail, correct?

21 MS. LUNDY: Objection.

22 A. It would stand to reason that I did.

23 Q. And do you want to read the e-mail from
24 Rick Kaminskis to us?

25 A. Yeah. "All, Please review the below and

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1 attached to confirm your hourly staffing needs
2 during the period of occupancy by medical staff.
3 Be aware this will be communicated to ownership who
4 will view this with a critical eye. This is not
5 the time to staff up unnecessarily. Remember
6 during this period we are in many ways less than a
7 limited service property. Please get back to me
8 today with any changes that you would like to
9 make." And then, it lists the different employees
10 and the different divisions.

11 Q. Ms. Ortiz, who is Rick Kaminskas?

12 A. He was the Director of Finance at the time.

13 Q. And when he states in this e-mail, "Remember
14 during this period we are in many ways less than a
15 limited service property," what do you think that
16 means?

17 A. So limited service properties don't provide
18 food and beverage; they are typically grab-and-go
19 types of entities -- hotels, rooms-based only, and
20 now, I remember we actually shut down food and
21 beverage.

22 Q. So the medical personnel could not get any
23 food and beverage while staying at the hotel; is
24 that correct?

25 A. We did not have them in-house. We ordered

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1 -- they had -- they could pick up two meals a day
2 or one meal a day, I think; we had the food
3 delivered; I don't remember from where, though.

4 Q. Was that for financial reasons?

5 A. No.

6 Q. What was the reason for that?

7 A. Health and safety.

8 Q. Was there financial impact on the hotel at
9 the time that the medical personnel were staying
10 there?

11 MS. LUNDY: Objection.

12 A. What do you mean by that?

13 Q. Was -- focusing your attention on this
14 e-mail, it says "Be" -- it says, "Be aware this
15 will be communicated to ownership who will view
16 this with a critical eye." Do you see that?

17 A. Uh-huh.

18 Q. So why would Ownership view this with a
19 critical eye?

20 MS. LUNDY: Objection.

21 A. Well, there's staffing guidelines based on,
22 you know, revenue and production, and if we weren't
23 generating any revenue, then the amount of staffing
24 would be -- would be -- viewed from the perspective
25 that we were no longer generating any revenue.

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1 Q. So after this e-mail, was the staff cut down
2 in any way?

3 MS. LUNDY: Objection.

4 A. Well, yeah, it would have been, because we
5 were closed.

6 Q. Right. But during the time that the medical
7 personnel were staying there, did the staff ever
8 decrease or increase or change in any way?

9 MS. LUNDY: Objection.

10 A. Yes.

11 Q. How did it change?

12 A. During the time that the medical staff was
13 there?

14 Q. Yes.

15 A. We would have recalled employees.

16 Q. So would the staff have increased or
17 decreased?

18 A. From the period of time that we closed due
19 to the State mandate to the period of time that we
20 reopened for the medical personnel, the staff would
21 have increased.

22 Q. But after this e-mail and the complaint that
23 "ownership who will view this with a critical eye,"
24 did the staffing ever decrease?

25 MS. LUNDY: Objection.

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1 A. I don't know that that's a complaint. I
2 think -- based on this chart specifically? It
3 decreased from this chart?

4 Q. Yes. Did it decrease from this chart?

5 A. Oh. I don't know. In what period of time?

6 Q. So focusing your attention on the time that
7 the medical personnel was staying at the hotel
8 after this e-mail was received by all, did the
9 staffing decrease?

10 MS. LUNDY: Objection.

11 A. I don't remember.

12 Q. And when did the hotel close for medical
13 personnel?

14 A. I believe the end of June in 2020.

15 Q. And who decided to close the hotel for
16 medical personnel?

17 A. It would have been a collaborative decision
18 based on the needs of the medical community.

19 Q. Okay. Did the medical community ask the
20 hotel to close the hotel for medical personnel to
21 stay there?

22 MS. LUNDY: Objection.

23 A. I don't know. I don't think so.

24 Q. Would that not have been a decision by the
25 hotel to make rather than the medical community?

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1 MS. LUNDY: Objection.

2 A. Yes, but to clarify what I meant, it would
3 have been based on the needs of the medical
4 community, not necessarily their decision, but
5 based on their needs at the time, and I think we
6 found that there were less and less medical staff
7 requiring rooms.

8 Q. Is that because the COVID pandemic was
9 getting better?

10 MS. LUNDY: Objection.

11 A. No. I don't know. I don't think it got
12 better for a long time, but I don't know.

13 Q. So at the time that the medical personnel
14 were no longer staying at the Four Seasons
15 New York, did the number of employees decrease that
16 were working for --

17 MS. LUNDY: Objection.

18 A. Most likely.

19 Q. -- working for the hotel?

20 A. Sorry. Most likely.

21 Q. And did it then go to this approximately 25
22 employees that you say currently work there today?

23 A. I don't remember when that decreased. I
24 actually really don't remember when that decreased.
25 I would say, from my recollection, that we dwindled

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1 down probably throughout 2020, because, I mean, our
2 whole objective was to reopen, so we wanted to
3 maintain a fair -- I mean, our intention was to
4 reopen, so we didn't want to lose sight of that,
5 and I don't remember when we finally determined
6 that we would begin work on the property in
7 anticipation of reopening for guests, but I don't
8 specifically remember.

9 Q. When did the objective to reopen change not
10 to reopen?

11 MS. LUNDY: Objection.

12 A. We've always wanted to reopen; it's just a
13 matter of when. We've never been closed. We were
14 closed to guests, but, I mean, the property is not
15 closed; we're not open to the Four Season guests;
16 the objective has always been to reopen.

17 Q. Right. But the property is not closed,
18 because if the property completely closed down,
19 that would actually be dangerous to the structure,
20 correct?

21 MS. LUNDY: Objection.

22 A. I don't know. I'm not an engineer.

23 Q. But you speak to the engineers on a daily
24 basis, correct?

25 A. I do. Yes.

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1 Q. And would you agree with me that if the
2 property completely closed down without anyone
3 being there, it would be dangerous to the structure
4 of the building?

5 MS. LUNDY: Objection.

6 A. I still can't answer that question. I don't
7 know.

8 Q. On a day-to-day basis, would you agree with
9 me that people have to walk around and flush the
10 toilets in the hotel?

11 A. Yes.

12 Q. And they would have to put on the showers in
13 the hotel daily, correct?

14 A. Yes.

15 Q. And what else would they have to do daily in
16 order to maintain the structure of the building?

17 MS. LUNDY: Objection.

18 A. I think I answered that question earlier.
19 Just to -- general cleaning and safety and security
20 of the building; I mean, ensuring the operation of
21 the chillers and ensuring the operation of the
22 various equipment, but I've lost track of your
23 original question. I'm sorry. What was the
24 original question?

25 Q. So my original question was, when did the

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1 objective change from wanting to reopen the hotel
2 to not reopening the hotel?

3 MS. LUNDY: Objection. Asked and answered.

4 A. We never not wanted to reopen the hotel.

5 Q. So why is the hotel not open?

6 MS. LUNDY: Objection.

7 A. Well, right now, I mean, we're going through
8 -- we've -- we're redoing a lot of the bathrooms,
9 and we've got major -- we've got elevator
10 modernization going on; we are -- we've actually
11 just redone most of the bathroom showers; we've
12 installed overflow triggers in the HVAC system
13 within each room to prevent an overflow of the HVAC
14 -- the condensation from the HVAC systems; we have
15 a fire panel modernization that is taking place; we
16 have -- so these are all in preparation to reopen;
17 we wouldn't be doing any of that if we weren't
18 intending on reopening. So the structure -- I
19 think the elevator modernization is almost
20 complete, the work in the bathrooms -- I think
21 they're starting Phase Two with the work in the
22 bathrooms, which is -- involves -- Sheetrocking --
23 involves just Sheetrock placement -- and that
24 should be starting. So we've spent -- you know,
25 we've redone all the shower stalls in the

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1 bathrooms. So there's a lot of mechanical and
2 foundational work that has been taking place in
3 preparation to reopen.

4 Q. And when was this decision made that
5 renovations had to be done prior to reopening?

6 A. I don't remember.

7 MS. LUNDY: Note my objection.

8 A. I don't remember. Maybe in the middle of
9 2021.

10 Q. Who made that decision?

11 A. It would have been collaborative. I mean --

12 Q. Was FSR International Hotels Inc. part of
13 that decision to renovate prior to any reopening of
14 the hotel?

15 A. I don't know.

16 Q. Was Hotel 57 Services, LLC part of that
17 decision to renovate prior to reopening the hotel?

18 A. Well, the operating decisions are made at
19 the property level, so I would -- it would stand to
20 reason that yes, but I can't speak to it
21 specifically.

22 Q. Was Hotel 57, LLC part of the decision to
23 renovate prior to reopening the hotel?

24 A. I would imagine; I mean, it's reasonable,
25 but I don't remember specifically.

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1 Q. Was Ty Warner Hotels & Resorts, LLC part of
2 the decision to renovate the hotel prior to
3 reopening the hotel?

4 A. It would stand to reason, but I don't know
5 specifically.

6 Q. Was H. Ty Warner personally part of the
7 decision to renovate the hotel prior to reopening
8 the hotel?

9 A. I have no idea.

10 Q. And now that you don't have a general
11 manager to report to, who do you report to?

12 A. Myself. I have a dotted line to our
13 Regional Director of People and Culture, but on
14 day-to-day operational things, we collaborate
15 within the property, and also, I suppose my direct
16 report is -- would be -- Antoine Chahwan.

17 (Whereupon, a discussion was held off the
18 record.)

19 Q. Back on. Is it your testimony that you
20 report directly to Antoine Chahwan?

21 A. It depends on the circumstance.

22 Q. When is it that you report directly to
23 Antoine Chahwan?

24 A. Well, from the property level to the
25 operators, anything that would have to do with the

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1 operation, including fiscal decisions or labor
2 decisions; they're still the operators.

3 Q. When you say "labor decisions," what do you
4 mean?

5 A. Just with respect to staffing and -- but
6 that's even collaborative with the Regional
7 Director of Finance and --

8 Q. So when you say "with respect to staffing,"
9 is it your testimony that Mr. Antoine Chahwan has
10 to approve any changes to staffing?

11 A. At this juncture, right now, it's not just
12 him, but it would be a discussion between him and
13 the Financial Division.

14 Q. What role does he have in approving labor
15 decisions?

16 A. I mean, as an operator, he has a vested
17 interest in making sure that the property
18 management is making the right decisions with
19 respect to the labor costs and the financial
20 impact.

21 Q. Why is that?

22 A. Because they're the operator; he works with
23 the operator.

24 Q. Why is that important to the operator?

25 MS. LUNDY: Objection.

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1 A. It's their fiscal responsibility.

2 Q. And the other person that you mentioned in
3 the Financial Division, who is that?

4 A. Oh, I don't know that I mentioned someone by
5 name. That would be our Regional Director of
6 Finance, our Director of Finance; there is a
7 Vice President of Finance -- I'm not sure of all
8 the titles; I know where they are in the hierarchy,
9 but I don't know the specific titles.

10 Q. And who are those people employed by?

11 MS. LUNDY: Objection.

12 A. I don't know. I mean, I would assume the
13 operator, but I don't know.

14 Q. Do you know if they're employed by Hotel 57
15 Services, LLC?

16 A. I don't.

17 Q. Do you know if they're employed by FSR
18 International Hotel Inc.?

19 A. I don't.

20 Q. Do you know where they're based out of?

21 A. It depends on the person.

22 Q. Are any of those people based out of
23 Toronto?

24 MS. LUNDY: Objection.

25 A. Not that I know of.

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1 Q. Are any of them based out of Texas?

2 A. One that I know -- I'm not sure where the --
3 what the regional -- or the vice -- what the --
4 Antoine is based out of Texas; of that I'm certain.

5 Q. Is there anyone at Hotel 57 Services, LLC
6 that's supervises you at all?

7 A. On the property level?

8 Q. On any level.

9 A. That would be the people that I just
10 mentioned. I mean, on a regular, daily basis, I
11 mean, we're executive leaders that have had vast
12 responsibilities over certain divisions, so I don't
13 know that supervision is something that's required
14 on a daily basis, but we do have a reporting
15 structure and a responsibility to those people that
16 I just mentioned.

17 Q. And as part of the reporting structure, you
18 do report to Antoine Chahwan, correct?

19 A. For specific things, yes.

20 Q. And is he an employee of Hotel 57
21 Services, LLC?

22 A. I don't know.

23 Q. And who would know that?

24 MS. LUNDY: Objection.

25 A. I don't know.

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1 Q. Ms. Ortiz, as the Director of People and
2 Culture, would you know everyone who is employed by
3 Hotel 57 Services, LLC?

4 MS. LUNDY: Objection.

5 A. No.

6 Q. Who would know that from Hotel 57
7 Services, LLC?

8 MS. LUNDY: Objection.

9 A. I mean, I don't know; that's a broad
10 question. Like, I would look -- I could look at
11 the system -- our HRIS system -- but I don't know
12 who are the entities -- I mean, there's so many
13 different business entities; I don't know who is
14 employed under what entity. I know who is employed
15 and/or furloughed on the property level, but I
16 would have to review to confirm; I can't tell you
17 off the top of my head, "Oh, yeah. He works for
18 Hotel 57 Services." "He doesn't." You know?

19 Q. Is it because those entities work
20 collectively that you don't know who works for
21 which entity?

22 MS. LUNDY: Objection.

23 A. I don't know that that's the reasoning, I
24 think. Because of all the different business
25 entities, I think different people work under

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1 different entities, so I don't know -- like, I
2 don't know -- who's employed by what entity; I only
3 know what I know based on the operation.

4 Q. But you would agree with me that these
5 entities, like the operator and the owner, they
6 work collaboratively to run the hotel, correct?

7 A. I think that's stands to reason. Yes.

8 Q. I'm sorry?

9 A. It stands to reason. Yes.

10 Q. Is there any reason you think they don't
11 work collaboratively to run the hotel?

12 A. No.

13 Q. And did they work collaboratively when it
14 came to making the decision to furlough the
15 employees that worked for the Four Seasons
16 New York?

17 MS. LUNDY: Objection.

18 A. I would imagine so.

19 Q. When you say you would imagine so, what do
20 you mean?

21 A. It's reasonable to assume that because we
22 work collaboratively, it would have been a
23 collaborative decision, but I can't specifically
24 say, because I wasn't exactly in the room when the
25 decision was made; I was given direction -- I would

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1 have been given direction -- but it would stand to
2 reason that the different entities, because we do
3 work collaboratively, would have been involved in
4 the decisionmaking.

5 Q. And when you say you were told, who were you
6 told by of the decision?

7 MS. LUNDY: Objection.

8 A. Well, at the time, it would have come from
9 the General Manager.

10 Q. And did that decision to furlough employees
11 come from the General Manager to you?

12 A. No, it was a collaborative discussion based
13 on the need to close. I mean, we were not going to
14 keep employees if we were closed.

15 Q. Did Mr. Tauscher tell you that you were
16 going to furlough employees at the Four Seasons
17 New York?

18 MS. LUNDY: Objection.

19 A. I think you've already asked that question.
20 It would have been a collaborative decision; I
21 mean, I guess so, but we would have that discussion
22 based on what the State had mandated.

23 Q. No. But my question to you is, was it
24 Mr. Tauscher that gave you the decision that was
25 made to furlough employees?

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1 MS. LUNDY: Objection.

2 A. No, it was a collaborative discussion, like
3 to sit down and it's, like, "What are we going to
4 do?". I mean, it's a business plan, right? So if
5 you're not generating revenue, you have to reduce
6 the costs, so logically thinking, you're not
7 generating revenue, how far can you reduce the
8 cost, including labor, right? So it's not like
9 somebody said, like, "Oh, we got to lay off
10 everybody." It's, like, "We're not generating
11 revenue; we don't have services; the U.N.'s not in
12 session; the Philharmonic is closed; Broadway's
13 closed." I mean, it's just a natural business
14 progression that if you're not generating the
15 revenue, you're going to have to reduce the costs.
16 So I don't know who specifically said that; it's
17 just -- it's, like, common sense that you would
18 make that reduction.

19 Q. And when is it first that you were aware
20 that the hotel was not generating revenue?

21 MS. LUNDY: Objection.

22 A. So that would have been on March 20th, and I
23 specifically remember March 20th, because that was
24 the last day that we were open to the public simply
25 because of the directive from the State, and the

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1 reduction was primarily made in food and beverage,
2 because all of the food and the food operations
3 closed at the direction from the State; it was,
4 like, listed nonessential, and I remember it was,
5 like, nonessential. Well, is it essential to have
6 a restaurant? No. Is it essential to have
7 somebody that can clean the bathrooms? Yes. So it
8 was a whole discussion, seriously, between
9 essential and nonessential, so much so to the point
10 that I wrote multiple letters to different
11 individuals allowing them access. It wasn't a
12 decision we made; I think that's what I'm trying to
13 explain. We didn't make that decision; we had to
14 make that decision because of the mandate from the
15 State, and then, for obvious business reasons down
16 the road, from a financial perspective, we had to
17 continue making that decision.

18 Q. Okay. So by March 20th, 2020, was it
19 reasonably foreseeable that the employees working
20 for the Four Seasons New York would have to be
21 furloughed?

22 MS. LUNDY: Objection.

23 A. So that was a mandatory closure. It was
24 requested by the State of New York to close; it was
25 March 20th. Governor Cuomo issued the mandate

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1 around that time. Yes.

2 Q. So my question to you is, by March 20th,
3 2020, was it reasonably foreseeable that the
4 employees working at the Four Seasons New York
5 would have to be furloughed?

6 MS. LUNDY: Objection.

7 A. It was foreseeable that we would need to
8 close and therefore reduce costs.

9 Q. And furlough the employees, correct?

10 MS. LUNDY: Objection.

11 A. Cost reduction. Sorry. That's part of cost
12 reduction, right?

13 Q. And we spoke about some renovations
14 previously during this deposition, correct?

15 A. Uh-huh. Yes. Sorry.

16 Q. And you would agree with me that prior to
17 March of 2020, renovations were already being
18 conducted in the hotel, correct?

19 MS. LUNDY: Objection.

20 A. I don't know.

21 Q. During the time that you worked for the Four
22 Seasons New York, do you ever recall any
23 renovations being conducted prior to 2023, 2022,
24 and 2021?

25 MS. LUNDY: Objection.

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1 A. I do not. I only arrived in October of
2 2019.

3 Q. After arriving and working at the Four
4 Seasons New York, did you ever know of any
5 renovations to be conducted at the hotel?

6 A. Not at that time.

7 Q. When was the first time that you knew
8 renovations needed to be conducted at the Four
9 Seasons New York?

10 A. I want to say mid-year 2021.

11 (Whereupon, an e-mail chain between
12 John Johnson and Elizabeth Ortiz dated 4-28-20
13 and Bates-stamped WarnerDEF007353 was marked as
14 Plaintiffs' Exhibit 7 for identification, as of
15 this date.)

16 Q. Ms. Ortiz, I'm going to be showing you what
17 we've just marked as Plaintiffs' Exhibit 7 and give
18 you some time to review that. Does that refresh
19 your recollection as to any renovations that were
20 done prior to 2021 at the Four Seasons New York?

21 MS. LUNDY: Objection.

22 A. I'm trying to remember what that was.

23 Q. So for the record, what I've just marked as
24 Plaintiffs' Exhibit 7, that's Bates-stamped
25 DEF7353.

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1 A. You know, that might have been -- that looks
2 like -- so that looks like the cafeteria, so I
3 think what was happening at the time -- so we
4 didn't have any -- did we have food service? No,
5 we didn't have any food services, and employees --
6 I don't remember when we closed the cafeteria, but
7 in anticipation of reopening, one of the things
8 that we wanted to do was thinking through -- I
9 think there was this whole six feet apart and
10 partitions, and so, I think the decision was
11 collectively made to, like, rework the cafeteria;
12 and if we were going to rework the cafeteria, then
13 the decision was made to replace the ceiling tiles
14 and replace the floor tiles. Also, in anticipation
15 of maybe having to change the way we operated a
16 cafeteria, we structurally moved the lines, meaning
17 the service lines; the idea was to move the service
18 lines, that there would be respect given to
19 distance between employees and the seating areas.
20 So in anticipation of reopening, we thought that --
21 you know, the cafeteria, because we would have to.
22 You know, there was that whole thing with the
23 partitions and staying away from people six feet,
24 and so on, so this is -- I'm just trying to see --
25 this employee (indicating), I believe, is one of

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1 the carpenters, so that would have been the
2 employee cafeteria.

3 Q. So you'd agree with me that renovations were
4 done prior to 2021, correct?

5 MS. LUNDY: Objection.

6 A. 2021? I don't know if it was renovations;
7 we were just restructuring the cafeteria to make
8 accommodations for what we thought would be the new
9 way of serving food.

10 Q. Would you agree with me that at the top of
11 the page, it states John Johnson sent you an
12 e-mail; you're Elizabeth Ortiz, correct?

13 A. To John -- no, I would have sent that.

14 Q. Oh. So you sent that to John Johnson,
15 correct?

16 A. That would have been from -- so this looks
17 like -- who sent this? Oh, this is just a
18 conversation based on the bottom e-mail: "Say
19 goodbye to the old ceiling!!", and then the chef
20 says great and I said "Nice."

21 Q. So the old ceiling was replaced, correct?

22 MS. LUNDY: Objection.

23 A. Well, yeah, I just said that. We had
24 decided, because the anticipation was that we would
25 have to adapt a whole new way of food service that

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1 when we were doing the restructuring of the
2 cafeteria, we would replace the ceiling tiles and
3 the ceiling -- and/or the floor tiles. I don't
4 know if it was a renovation; it was a replacement
5 of tiles.

6 Q. Would you consider the replacement of tiles
7 a renovation?

8 MS. LUNDY: Objection.

9 A. No, because we replace tiles all the time.

10 Q. Okay. Is the replacement of wallpaper
11 considered a renovation?

12 MS. LUNDY: Objection.

13 A. No, I think -- we look at renovation as
14 full-on structural changes, so no, I don't think
15 so.

16 Q. So --

17 A. Unless you do it on a high volume, but
18 that's -- in our industry, that would be called a
19 soft good replacement; it's not so much a
20 renovation. Renovations are structural; like, my
21 understanding of, like, a renovation is when there
22 are structural changes made.

23 Q. Like moving beams? Is that what you mean?

24 A. Correct, or, you know, breaking marble or
25 removing equipment, moving equipment.

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1 Q. So replacement of rugs would not be
2 considered renovation, correct?

3 MS. LUNDY: Objection.

4 A. Not -- no, because I think that's carpet
5 replacement, but then -- I mean, I'm not a designer
6 -- my understanding of renovations is when there
7 are structural changes made. Soft good replacement
8 is carpeting, wallpaper, bookshelves, bedroom sets;
9 that's not a renovation; that's like a soft -- I
10 don't know the term -- soft goods, I think.

11 Q. So what that hotel is doing now, is that
12 considered renovations?

13 MS. LUNDY: Objection.

14 A. Yeah, there are structural changes being
15 made.

16 Q. Are beams being moved?

17 A. I don't know specifically. I know that we
18 are redoing the bathrooms. I mean, there's
19 significant -- significant changes structurally, I
20 mean, just based on the removing of marble and,
21 like, redoing the bathrooms, so that's my
22 understanding, yes.

23 Q. So when you remove marble, isn't that the
24 same thing as removing a tile?

25 MS. LUNDY: Objection.

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1 A. No, but it is a structural change.

2 Q. How so?

3 A. It's in the structure. You have to get
4 jackhammers, you have to remove the walls, you have
5 to remove the concrete, you have to rebuild the
6 space in which it's located, really, is what
7 they've been doing, is breaking apart the space,
8 reinserting the shower pads and then rebuilding --
9 replacing the concrete, replacing the marble,
10 replacing -- making sure that there's no leakage,
11 and then replacing the ceilings.

12 Q. And how many bathrooms have they done that
13 for?

14 MS. LUNDY: Objection.

15 A. I don't know off the top of my head. I
16 mean, we're almost done with probably the whole
17 hotel; I just don't -- so that would be -- I don't
18 know if they've done all 368 rooms or not.

19 Q. So you're almost done with the renovations
20 of the whole hotel?

21 MS. LUNDY: Objection.

22 A. No, no, just with the -- just that breakage
23 of the marble.

24 Q. What else is left to do --

25 MS. LUNDY: Objection.

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1 Q. -- at the hotel related to renovations?

2 MS. LUNDY: Objection.

3 A. I don't know specifically.

4 Q. Who would know that?

5 A. I don't know. I mean, it depends on what
6 else we decide to do. I mean, I don't know.

7 MS. LUNDY: Do you need a break?

8 THE WITNESS: Yes, please.

9 (Whereupon, a break was taken at 12:16 p.m.,
10 and the deposition resumed at 12:17 p.m.)

11 Q. So you were just testifying about bathrooms
12 being done. Were they all being done at the same
13 time, or were a few bathrooms being done at one
14 time?

15 A. Well, no, they can't be done -- just not all
16 at the same time. Floor by floor, I think. Yeah.

17 Q. Were all the bathrooms on a particular floor
18 being done at one time?

19 A. That's my understanding.

20 Q. Do you walk around the floors to see what's
21 being done?

22 A. I have.

23 Q. Because you're the only person left in the
24 building, correct?

25 MS. LUNDY: Objection.

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1 Q. I'm just kidding. Do you walk around the
2 floors to see what's being done related to
3 renovations?

4 A. I just said yes. Yes.

5 Q. So you would know whether all the bathrooms
6 are being done at the same time on each floor,
7 correct?

8 MS. LUNDY: Objection.

9 A. Not specifically. I mean, that's not my
10 area of expertise. I mean, from a
11 People-and-Culture perspective, I check on the work
12 -- on the work -- that the employees are doing,
13 like, what are they doing, but I don't have
14 specific engineering or building knowledge to know
15 specifically, you know, what work has been
16 completed; I know the general idea of what needs to
17 be done.

18 Q. And is there a director of engineering that
19 supervises the work?

20 A. No.

21 Q. Does anybody supervise the work that's being
22 done for the renovations?

23 A. Yes. It's a collaborative effort between
24 not so much me, but the Director of Engineering has
25 taken on that role. The Director of -- sorry --

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1 Security.

2 Q. So the Director of Security now supervises
3 the renovations at the hotel?

4 A. Correct.

5 Q. And who's that?

6 A. Steve Taplan.

7 Q. So is it correct to say that there is no
8 acting General Manager at the hotel, correct?

9 MS. LUNDY: Objection.

10 A. I've answered that before. No, there isn't.

11 Q. So I understand there's no General Manager;
12 I'm asking if there's no acting General Manager.

13 MS. LUNDY: Objection.

14 A. No, not specifically.

15 Q. Are you acting as an acting General Manager
16 at this point?

17 MS. LUNDY: Objection.

18 A. I am the point of contact for the building
19 in collaboration with the Director of Security.

20 Q. When you say you're the point of contact --

21 A. If there are any inquiries --

22 Q. -- who is contacting you?

23 A. Whether it's the -- we still have our
24 Ask Four Seasons e-mail open, so whether it's
25 outside entities looking for reservations or

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1 vendors that need entrance into the building or
2 employees that need to come and pick up things from
3 their lockers or things like that, I would be the
4 point of contact, in connection with Steve Taplan.

5 Q. And when did Steve --

6 A. Taplan.

7 Q. -- Taplan, when did he start working for the
8 hotel?

9 A. I don't know. He's been there many, many
10 years; I don't know the specific hire date.

11 Q. Was he there when you were hired to be the
12 Director of People and Culture?

13 A. Yes.

14 Q. Do you know what date you became aware that
15 the employees at Four Seasons New York would have
16 to be furloughed?

17 MS. LUNDY: Objection. Asked and answered.

18 A. Yeah, I think I've answered that question
19 several times.

20 Q. No, those were different questions. I'm
21 asking you the exact date that you knew that people
22 working at the Four Seasons New York were going to
23 be furloughed.

24 MR. WAGNER: Objection.

25 A. I don't remember.

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1 Q. And upon furloughing the employees at the
2 Four Seasons New York, did you know whether there
3 were certain protocol that had to be followed in
4 relation to those furloughs?

5 MS. LUNDY: Objection to the extent that the
6 question seeks privileged information under the
7 advice of Counsel; Ms. Ortiz can otherwise
8 answer.

9 A. I would imagine. Yes.

10 Q. And what were those protocols that you have
11 to follow?

12 MS. LUNDY: Same objection.

13 A. So we have a Collective Bargaining
14 Agreement, and under the Collective Bargaining
15 Agreement, there's notice that needs to be made
16 under the provisions given, and we really didn't
17 know at the time whether or not the provisions of
18 the WARN Act applied, but we proceeded to -- that
19 was at the advice of Counsel that we prepared for
20 distribution, but the distribution -- because we
21 were so unsure as to what was happening at the
22 time, the distribution probably wasn't specific; I
23 mean, there was no 60-day advance notice; I mean,
24 we didn't have -- it was just impossible, but it
25 wasn't just us; it was, like, every other business

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1 entity in the City that was in that same position.

2 MS. LUNDY: Ms. Ortiz, please be mindful of
3 your testimony, not sharing guidance provided by
4 Counsel.

5 THE WITNESS: Okay.

6 Q. So Ms. Ortiz, you mentioned a Collective
7 Bargaining Agreement in relation to the furloughs.
8 Can you explain how that the Collective Bargaining
9 Agreement related to the furloughs?

10 A. Well, it's a provision of the Collective
11 Bargaining Agreement that you give advance notice
12 to any reduction in workforce. Whether it's a
13 full-schedule layoff or if it's a reduced workweek,
14 you have to provide one week's notice.

15 Q. Did the Four Seasons New York provide one
16 week's notice to the employees that were furloughed
17 under the Collective Bargaining Agreement?

18 MS. LUNDY: Objection.

19 A. No. We couldn't have. I mean, everything
20 was so immediate; it was like from one day to the
21 next; it's like you're open, you're not open,
22 closed.

23 Q. And do you remember what date that was where
24 the union employees were placed on furlough?

25 A. The last day of operation was March 20th.

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1 When anyone was placed on furlough, I mean, it
2 would have been around that same time, because we
3 didn't provide a week's notice as per the
4 Collective Bargaining Agreement; I think we paid
5 out that following week's schedule in lieu of
6 notice.

7 Q. When you say you paid out the following
8 week's schedule, what does that mean?

9 A. Well, under the Collective Bargaining
10 Agreement, we didn't have the -- we didn't have the
11 -- luxury of providing advance notice, so as a --
12 to do the right thing and to also abide by the
13 Collective Bargaining Agreement, anybody that was
14 scheduled to work that following week -- so it
15 might have been the 20th, 21st, 22nd, the week
16 beginning -- well, our workweek begins on
17 Saturdays, so that would have been the schedule
18 beginning March 21st, and again, that was -- that
19 wasn't a decision we made to furlough; that was
20 based on the fact that we were instructed --
21 mandated -- by the State to close. I want to
22 clarify. We didn't make that decision; we were
23 instructed to shut down the entity. And this goes
24 back to what I said before: it's a logical
25 business progression that if you're not generating

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1 revenue, you have to reduce cost.

2 Q. So is it your testimony that the union
3 employees were paid for a week of work for a week
4 they actually didn't work?

5 MS. LUNDY: Objection.

6 A. Yeah, but that's industry practice in the --
7 if -- typically, and -- yeah. Yes.

8 Q. And were they paid for a week of work based
9 on the Collective Bargaining Agreement --

10 MS. LUNDY: Objection.

11 Q. -- or some other reason?

12 A. It's an industry practice. If you don't
13 provide advance notice for any schedule changes,
14 it's typically the right thing to do. I don't know
15 under what -- I mean, it was just such a crazy
16 time; you wanted to do the right thing; it's like
17 everybody was in shock.

18 Q. Ms. Ortiz, was that also provided to
19 nonunion employees that were not part of the
20 Collective Bargaining Agreement?

21 MS. LUNDY: Objection.

22 A. We did everything that we could at that time
23 to ensure people had some kind of income. I would
24 say yes for that following week; if there was
25 anybody that was laid off, even nonunion, I would

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1 -- I don't remember -- I don't remember, but I
2 would say, like, wanting to do the right thing at
3 that time, anybody that was given such short
4 notice, we would have -- we would have -- paid out
5 that following week's schedule.

6 Q. But do you know whether the following week's
7 schedule was paid out for nonunion employees?

8 MS. LUNDY: Objection.

9 A. I don't recall at this moment.

10 Q. Do you have some sort of documents that
11 would show whether that was done?

12 MS. LUNDY: Objection.

13 A. Payroll.

14 MS. RISMAN: We would request payroll for
15 that following week for nonunion employees.

16 MS. LUNDY: Please follow up in writing, and
17 we'll take it under advisement.

18 Q. And you mentioned that you were aware that
19 you had to provide notice to the furloughed
20 employees under the WARN Act, correct?

21 MS. LUNDY: Objection.

22 A. At some point, yes.

23 Q. When did you provide the WARN notice to the
24 furloughed employees?

25 MS. LUNDY: Objection.

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1 A. I don't remember. What ended up happening
2 is, we closed, we gave verbal notice of layoff, and
3 then, we reopened, and there was a lot -- I know
4 that it's not just our business entity; I know a
5 lot of operations -- and I know we're not talking
6 about other operations, but it wasn't just us; it
7 was just at that time, there were so many different
8 things going on for us, it was, like, "Are we going
9 to reopen? If we're going to reopen, then we don't
10 want to lay off the staff, and if we're not going
11 to lay off the staff, then we don't need to issue
12 the WARN letters until" -- I don't know, I don't
13 remember. But there was definitely a period of
14 time where we were -- I mean, everything was very
15 uncertain, and I don't recall when we made the
16 decision to issue the letters to the larger -- when
17 I say the "larger group," those nonessential
18 workers that we knew would not be recalled,
19 although -- well, let me just stop there.

20 Q. Okay. You had testified that you reopened.
21 What do you mean that the hotel reopened?

22 A. Well, we've been talking about it, of when
23 we reopened to the medical community.

24 Q. I just wanted to make sure that that's what
25 you were talking about.

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1 A. Yes.

2 Q. So when you said you reopened, you're
3 talking about reopening to the medical community,
4 correct?

5 A. Yes.

6 Q. And then, after you closed to the medical
7 community, you would agree with me that the Four
8 Seasons New York never reopened again, correct?

9 MS. LUNDY: Objection.

10 A. We've never been closed; we're just not open
11 to guests. We're still open.

12 Q. You'd agree the hotel's not open for
13 business?

14 MS. LUNDY: Objection.

15 A. We are not open for business? That's
16 correct.

17 MS. LUNDY: Can we break here? It's 12:30.

18 Q. Just one more question. So you had said
19 that it was industry practice to pay the employees
20 one week's salary, correct?

21 MS. LUNDY: Objection. Go ahead. I think
22 that it was characterized as union employees.

23 Q. So -- okay. I'll ask a different question.
24 You said it was industry practice to pay, I
25 thought, everybody one week's salary; is that not

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1 correct?

2 A. Within the union, if you're not providing
3 advanced notice of the schedule, industry practice
4 is to at least provide a week's worth of pay in
5 lieu of notice. At the time, and I think I said, I
6 don't recall; knowing myself and wanting to do the
7 right thing, I would have wanted to ensure that we
8 paid everyone a week's worth notice, and I'm
9 thinking that we did, but I don't remember.

10 Q. And who approved that pay?

11 A. It would have been a collaborative approval.

12 Q. Is there a final decisionmaker that approves
13 pay like what you're describing?

14 MS. LUNDY: Objection.

15 A. No. It would be amongst the Executive
16 Committee. Do we need to -- I mean, under the
17 Collective Bargaining Agreement, I don't know that
18 there's much of a decision to be made; I mean, it's
19 just industry practice that that's what you do.

20 Q. Ms. Ortiz, when it comes to nonunion
21 employees, who would have been the final
22 decisionmaker to approve a week's worth of salary?

23 A. We would have, just like we did for, like,
24 continuing their benefits and everything else. I
25 mean, we made the effort to do the right thing, so

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1 collectively, it would have been a collective
2 agreement amongst the executive leadership of the
3 hotel, which included the General Manager, myself,
4 Director of Finance, Director of Sales and
5 Marketing, Director of Engineering, Director of
6 Rooms, and Director of Food and Beverage.

7 Q. Thank you.

8 MS. RISMAN: We can break now.

9 (Whereupon, a lunch break was taken at
10 12:34 p.m., and the deposition resumed at
11 1:27 p.m.)

12 (Whereupon, the requested portion of the
13 record was read back.)

14 Q. Ms. Ortiz, would you agree with me that
15 payment of that type of salary would require
16 Ownership approval?

17 A. You know, there's a threshold with the -- I
18 don't know. I don't know.

19 Q. Okay.

20 MS. RISMAN: This is Plaintiffs' 8
21 (indicating).

22 (Whereupon, an e-mail chain dated 6-1-20 and
23 Bates-stamped WarnerDEF000899 was marked as
24 Plaintiffs' Exhibit 8 for identification, as of
25 this date.)

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1 Q. So, Ms. Ortiz, focusing your attention to
2 Plaintiffs' 8, which is Bates-stamped WarnerDEF899,
3 have you ever seen that e-mail exchange?

4 A. I mean, I wrote it. I don't remember
5 specifically writing it, but it's got my name and
6 my e-mail address, so -- I remember the discussion
7 regarding this; I don't remember this specifically,
8 but I do remember the discussion around these --
9 the head count.

10 Q. So focusing your attention on what's been
11 marked as Plaintiffs' Exhibit 8, would you agree
12 with me that it states there that severance pay
13 does require Ownership approval? And that's in the
14 first part of the document on the top; it says,
15 "Dear Cathy, Please see below e-mail," and then,
16 the second sentence says, "Rick will be sending a
17 list of employees/positions, under separate cover,
18 that qualify for severance pay and which require
19 ownership approval." Do you see that?

20 A. Okay. I do.

21 Q. So would you agree with me that severance
22 pay doesn't require Ownership approval?

23 MS. LUNDY: Objection.

24 A. I mean, that's what that says. I don't know
25 what he meant by that, but I think that -- I think

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1 it would depend on the circumstances; certainly,
2 that's what that says, but I assume that's what we
3 meant; I don't know specifically if that's what he
4 meant.

5 Q. So in -- on June 1st, 2020, do you believe
6 that Ownership was -- Ownership approval was
7 required for severance pay?

8 MS. LUNDY: Objection.

9 A. I can only confirm that that's what that
10 says; I don't know specifically.

11 Q. What is your knowledge about the severance
12 that was given out at or about June of 2020 to
13 employees working at Four Seasons New York?

14 MS. LUNDY: Objection.

15 A. I don't think we paid any severance in June
16 of 2020.

17 Q. And would you know whether or not Hotel 57
18 Services, LLC paid any severance at that time?

19 A. I would need to -- I would need to go back
20 and look, but I don't believe so. I could be
21 wrong.

22 Q. So focusing your attention to the bottom
23 portion of that document, it says, "Rudy, Please
24 see attached as discussed. As discussed:
25 Currently, there are 398 employees on lay-off, 57

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1 employees on a reduced work work and 79 employees
2 currently working." Do you see that?

3 A. I do.

4 Q. Do you know that statement to be true and
5 accurate?

6 MS. LUNDY: Objection.

7 A. It would have been through a head count at
8 the time I wrote it, and I'm in charge of the head
9 count, so I would say that's pretty accurate.

10 Q. And the 57 employees on the reduced
11 workweek, were those nonunion employees?

12 A. I don't remember.

13 Q. Who would know that?

14 A. I would have to look, but I don't remember.

15 Q. Where would you look?

16 A. Probably schedules.

17 Q. And what type of schedules in particular?

18 A. Just the employees' schedules whether or not
19 they were put on layoff or not or payroll.

20 Q. And if they were put on layoff, would that
21 also show reduced work schedules?

22 A. Yes.

23 Q. And you kept records of that when they were
24 given a reduced work schedule?

25 A. Yes.

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1 MS. LUNDY: Objection.

2 Q. And so, you'd agree with me that the e-mail
3 exchange was with Cathy Hwang, correct?

4 A. Yes. It looks that way. Yes.

5 Q. And do you see Cathy Hwang's e-mail address?

6 A. I do.

7 Q. And what is that?

8 A. Chwang@tymail.com.

9 Q. Do you know what tymail.com is?

10 A. No.

11 Q. Did you ever question what that e-mail was?

12 A. No.

13 MS. LUNDY: Objection.

14 Q. And is that always the e-mail that
15 Ms. Cathy Hwang uses when she corresponds in
16 e-mails with you?

17 MS. LUNDY: Objection.

18 A. I don't know; I don't pay attention to it.

19 Q. Now I'm going to be showing you what's
20 marked as Plaintiffs' Exhibit 9.

21 (Whereupon, a two-page e-mail chain
22 Bates-stamped WarnerDEF000917 through
23 WarnerDEF000918 was marked as Plaintiffs'
24 Exhibit 9 for identification, as of this date.)

25 Q. Ms. Ortiz, I'm going to be showing you

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1 what's just been marked as Plaintiffs' 9, and you'd
2 agree with me that that's an e-mail exchange
3 between you and Mr. Rudy Tauscher, correct?

4 MS. LUNDY: Objection.

5 Q. That is also an e-mail exchange between
6 Cathy Hwang and Rudy Tauscher --

7 MS. LUNDY: Objection.

8 Q. -- and other recipients. Do you see that?
9 Ms. Ortiz, do you see the e-mail exchange?

10 A. Yeah, I'm looking at it.

11 Q. So focusing your attention to what's just
12 been marked as Plaintiffs' Exhibit 9 WarnerDEF917
13 and 918, so focusing your attention to the bottom
14 of the first page, Page 917, it says, "Regards,
15 Cathy," and then, it says, "Cathy Hwang VP of
16 Finance." Do you see that?

17 A. I do.

18 Q. It then says, "Ty Warner Hotels and
19 Resorts." Do you see that?

20 A. Uh-huh.

21 Q. Does that refresh your recollection as to
22 whether or not Ms. Cathy Hwang is employed by
23 Ty Warner Hotels & Resorts?

24 MS. LUNDY: Objection.

25 A. That's her signature. I don't know what

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1 entity she's employed by, but that's her signature.

2 Q. And did you know that she was VP of Finance
3 at Ty Warner Hotels & Resorts?

4 A. I don't know that I knew her exact title
5 ever.

6 Q. As you currently sit here today, do you know
7 what Ms. Cathy Hwang's title is?

8 MS. LUNDY: Objection.

9 A. Well, I am looking at it now; it's VP of
10 Finance.

11 Q. And it's VP of Finance with Ty Warner Hotels
12 & Resorts, correct?

13 MS. LUNDY: Objection.

14 A. That's her signature.

15 Q. My question to you, again, is, as you sit
16 here today, do you know what Ms. Cathy Hwang's
17 title is?

18 MS. LUNDY: Objection.

19 A. I know what her signature says; I don't know
20 what else she does, but it's safe to say that her
21 signature line says she's the VP of Finance, so I
22 would -- it stands to reason that her title is the
23 Vice President of Finance, based on her signature.

24 Q. Do you know if Ms. Cathy Hwang is also a VP
25 of Finance of Hotel 57 Services, LLC?

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1 A. I don't.

2 Q. Do you know if she has any other title with
3 any other entity other than the VP of Finance with
4 Ty Warner Hotels & Resorts?

5 A. I do not.

6 Q. So focusing your attention to Plaintiffs' 9,
7 the very top of the e-mail is an e-mail from
8 Rudy Tauscher to you, and it says, "Please see
9 below note from Cathy Hwang. TWHR. I need to
10 respond and need your input." Do you see that?

11 A. Okay. I do.

12 Q. Do you ever recall speaking to Mr. Tauscher
13 as to how he should respond to Ms. Cathy Hwang's
14 e-mail?

15 A. We must have spoken about it if we're --
16 but, see, this was in March. I think everything
17 was so uncertain at the time; I don't -- I don't
18 know. I mean, there were multiple discussions
19 surrounding this, but it was so uncertain, and I
20 think that, you know, like anything else, it's,
21 like, well, there are a lot of what-if scenarios,
22 and this was one of those what-ifs; like, if we
23 close, what are we going to be responsible for as
24 far as pay and notices, but I -- you know.

25 Q. So focusing your attention to the bottom of

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1 the e-mail on Page 917, it states there, "TWHR
2 agree with the temporary discontinuance of taking
3 guests and scaling down the operations per your
4 e-mail." Do you see that?

5 A. Wait. Where are you reading?

6 Q. So the bottom of the e-mail of Plaintiffs' 9
7 of WarnerDEF917, which is the first page of the
8 document. Do you see -- it states, "Dear Rudy,
9 TWHR agree with the temporary discontinuance of
10 taking guests and scaling down the operations per
11 your e-mail." Do you see that?

12 A. I do.

13 Q. So would that refresh your recollection that
14 by March 18th, 2020, a decision was made to scale
15 down operations of taking guests?

16 A. So yeah, that would have been because of the
17 mandate -- the State mandate -- to shut down any
18 essential [sic] operations, but yes.

19 Q. So your answer is yes?

20 MS. RISMAN: Can you read back the question,
21 please?

22 (Whereupon, the requested portion of the
23 record was read back.)

24 Q. So let me try again. So, Ms. Ortiz, would
25 you agree with me that based on this e-mail, it is

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1 apparent that by March 18th, there was discussion
2 about scaling down hotel operations and furloughing
3 employees, correct?

4 MS. LUNDY: Objection.

5 A. We were moving in that direction. Yes.

6 Q. And you'd further agree that according to
7 this e-mail, Ms. Hwang asked Mr. Tauscher "...what
8 type of notices and packages/benefits both union
9 and nonunion employees [would] be receiving,"
10 correct?

11 MS. LUNDY: Objection.

12 A. Yes. They would -- yes.

13 Q. And prior to the break, we were discussing
14 the type of notices that both nonunion employees
15 and union employees would be receiving that were
16 being placed on furlough, correct?

17 MS. LUNDY: Objection.

18 Q. I'm going to withdraw that. Ms. Ortiz, at
19 some point, the nonunion employees were receiving
20 notices that were placed on furlough, correct?

21 A. The nonunion --

22 MS. LUNDY: Just think to yourself.

23 A. At that time, we were uncertain which job
24 titles, which individuals would be needed to
25 maintain whatever we were doing at the time. I

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1 can't answer that question.

2 Q. So are you saying that on March 18th, you
3 did not know which employees would be furloughed?

4 MS. LUNDY: Objection.

5 A. I am certain that -- I am certain -- I'm
6 almost sure that the nonessential divisions,
7 predominantly Food and Beverage, were told that we
8 would be shutting down those operations, because it
9 was mandated by the Governor. As far as any other
10 position was concerned, I don't believe we knew at
11 that particular time what we were going to need and
12 what we weren't going to need.

13 Q. But by March 21st, 2020, would you agree
14 with me that the decision to furlough both the
15 nonunion employees and the union employees was
16 already made?

17 MS. LUNDY: Objection.

18 A. I'm not sure that the decision was made on
19 all of them.

20 Q. So when was the decision made to furlough
21 most of the employees that worked for Four Seasons
22 New York?

23 MS. LUNDY: Objection.

24 A. Well, I think if you look at the
25 nonessential divisions, it would have been -- those

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1 would have been first -- they came in phases -- and
2 I don't know that there was ever, once and for all,
3 a final decision to say -- I mean, because every
4 month, we're, like, "Okay, we're going to delay it
5 for another whatever, another month." I don't know
6 that there was ever a once-and-for-all final
7 decision that everybody is going to get furloughed
8 at this point; it was sporadic, starting with the
9 nonessential divisions, first of all; that, I'm
10 sure; and then, as far as the rest of the divisions
11 and the rest of the employees, that didn't happen
12 but for phases, and I don't recall all the
13 different dates.

14 Q. Okay. So what was the first division that
15 was furloughed?

16 MS. LUNDY: Objection.

17 A. I think I answered that: it was Food and
18 Beverage, because it's a nonessential department.

19 Q. And so, what was the second division that
20 was furloughed?

21 A. I don't remember, and it was all sporadic.

22 Q. When you say "it was all sporadic," does
23 that mean that most employees were not furloughed
24 in March of 2020?

25 MS. LUNDY: Objection.

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1 A. No. I just think that none of us knew -- I
2 mean, all of us thought we were going to be open in
3 a couple of weeks, right, so we -- based on the
4 Governor's mandate, Food and Beverage was shut down
5 because that was, like, identified as the highest
6 contaminating area -- I don't remember; it was just
7 something about Food and Beverage was not safe; and
8 I don't recall after that. "Sporadic" meaning --
9 and I think I've said this before, is -- like,
10 obviously, if we're not generating revenue, you do
11 have to scale down on costs, but I don't remember
12 specifically when and how we did it all at once. I
13 mean, there were people -- I mean, there's still
14 people in the building, but there have been people
15 in the building this whole time period.

16 Q. Okay.

17 (Whereupon, an e-mail from Mr. Tauscher to
18 Peter Ward dated 3-26-20, along with a list of
19 employees, their addresses, and their job
20 titles, Bates-stamped WarnerDEF001127 through
21 WarnerDEF001146, was marked as Plaintiffs'
22 Exhibit 10 for identification, as of this date.)

23 Q. Ms. Ortiz, I'm going to be showing you
24 what's just been marked as Plaintiffs' 10.

25 A. Yes.

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1 Q. According to this letter sent by First Class
2 Mail, dated March 26th, 2020, it states that "This
3 is to inform you that due to unforeseen business
4 circumstances and major economic downturn stemming
5 from the COVID-19 virus pandemic and consequent
6 travel and tourism disruptions outside of the
7 employer's control (as well as the mandatory
8 closures of bars and restaurant[s] causing the
9 expedited time frame for issuing of this notice,
10 the (Company), will temporarily layoff employees on
11 3/26/20 for approximately 1 month." Do you see
12 that?

13 A. Yes.

14 Q. Did you ever see this document before
15 testifying today?

16 A. Yes.

17 Q. And did you review this document prior to
18 testifying?

19 A. I would have at some point; I don't remember
20 when.

21 Q. Did you provide this document to be used in
22 this litigation as per the Discovery search that
23 you did?

24 MS. LUNDY: Objection.

25 A. Either I did or -- I think I did. Yes.

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1 Q. Okay. So the second sentence of this letter
2 written to Mr. Ward, Bates-stamped WarnerDEF1127,
3 states, "Approximately 372 employees will be laid
4 off and bumping rights do not exist in connection
5 with the layoff." Do you see that?

6 A. I do.

7 Q. Was the WARN notice to the union based on
8 the furlough of these union members on March --
9 withdrawn.

10 Was this the WARN notice that Hotel 57
11 Services, LLC sent to Peter Ward, President of
12 New York Hotel & Motel Trades Council in compliance
13 with the WARN Act?

14 MS. LUNDY: Objection.

15 A. I would -- I would assume yes, but I don't
16 remember when exactly, because also, at that same
17 time, we were now debating if we were going to
18 reopen for the medical community, and I don't
19 remember.

20 MS. RISMAN: So for the record, we demand
21 production of any WARN notices that would be
22 provided in this case for the nonunion
23 employees; this is what we received. So if
24 Ms. Ortiz does not recall, we will be seeking a
25 witness who does know when WARN notices were

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1 sent.

2 MS. LUNDY: By Counsel, Ms. Elizabeth Ortiz
3 is appearing by a Notice of Deposition to appear
4 today in her personal capacity as the Director
5 of People and Culture; she's testifying based
6 upon that personal knowledge. The WARN
7 Defendants have produced the union WARN notices.
8 If Counsel would like to follow up in writing
9 for further clarification in that regard, we
10 will respond in writing. Thank you.

11 Q. So, Ms. Ortiz, focusing your attention to
12 what's just been marked as Plaintiffs' 10 -- and
13 there are a bunch of names attached to it in
14 Attachment B. Do you see that?

15 A. I do.

16 Q. Did you draft Attachment B?

17 A. I did not.

18 Q. Who drafted Attachment B?

19 A. That would have been done by somebody in my
20 office.

21 Q. Would that be done under your supervision?

22 A. Yes.

23 Q. Do you know if Attachment B was sent over to
24 Mr. Peter Ward, President of the New York Hotel &
25 Motel Trades Council, AFL-CIO?

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1 A. That's my understanding.

2 Q. Do you have any reason to believe that this
3 letter Bates-stamped WarnerDEF1127 was not sent to
4 Peter Ward, President of New York Hotel & Motel
5 Trades Council AFL-CIO?

6 A. I don't.

7 Q. Now, did the Four Seasons New York also send
8 letters over to government entities?

9 MS. LUNDY: Could you repeat the question,
10 please?

11 (Whereupon, the requested portion of the
12 record was read back.)

13 A. Can you be more specific?

14 Q. So did the Four Seasons New York also send
15 letters to government entities that included
16 affected union and nonunion employees?

17 MS. LUNDY: Objection.

18 A. I don't remember, but I do know that
19 whatever we sent would have been in line with the
20 requirements.

21 Q. Okay. And who drafted the letters that were
22 in line with the requirements?

23 MS. LUNDY: Objection to the extent that
24 question calls for privileged communications.

25 Ms. Ortiz, you may answer.

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1 A. This would have been done with the guidance
2 of Counsel.

3 Q. But did you draft the letters or somebody in
4 your office draft the letters?

5 MS. LUNDY: Objection.

6 A. Well, I'm not sure -- I'm not sure what the
7 specific question is. Like, I didn't write this
8 specifically; it would have been written based on
9 what was provided to us by Counsel.

10 MS. RISMAN: Plaintiffs' Exhibit 11.

11 (Whereupon, a letter from Hazel Hazard dated
12 3-24-20 and Bates-stamped WarnerDEF000922
13 through WarnerDEF000924 was marked as
14 Plaintiffs' Exhibit 11 for identification, as of
15 this date.)

16 Q. Ms. Ortiz, I'm going to be showing you what
17 we've just marked as Plaintiffs' Exhibit 11, which
18 is Bates-stamped WarnerDEF922 and 923. Do you see
19 that?

20 A. Yes, I do.

21 Q. And the second page of the document has your
22 signature line, correct?

23 A. Yes, it does.

24 Q. And the top of the page of 922 states the
25 date March 24th, 2020, correct?

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1 A. Yes, it does.

2 Q. And so, is that when you started drafting
3 the WARN notices to the union employees?

4 MS. LUNDY: Objection.

5 A. I don't remember.

6 Q. Okay. And according to this draft, the
7 first paragraph of the draft, the second-to-last
8 line states -- oh, it's the -- withdrawn.

9 The first paragraph of this draft states,
10 "Please accept this letter as notification on
11 behalf of Four Seasons Hotel New York that due to
12 the unforeseeable, unanticipated and substantial
13 reduction in business levels resulting from the
14 sudden and widespread impact of an infectious
15 disease pandemic known as the Coronavirus...2019
16 ("COVID-19"), employment at Four Seasons Hotel
17 New York, located at 57 East 57th Street, New York,
18 New York 10022, will be laid off starting on
19 March 21st, 2020," and it states, "Four Seasons
20 Hotel New York will be closed for business for the
21 foreseeable future." Do you see that?

22 A. I do.

23 Q. Is this the language that was used in the
24 WARN notices that were sent to governmental
25 agencies?

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1 MS. LUNDY: Objection.

2 A. I don't remember, but this looks like a form
3 letter that was never sent, so I think this was
4 just a draft. I don't remember. You should have
5 copies of the -- no, this is a draft, and I don't
6 think this was the specific language, but I don't
7 remember.

8 Q. Did you provide these drafts to the person
9 that drafted the WARN notices for the employees
10 that worked at the Four Seasons New York?

11 MS. LUNDY: Objection.

12 A. Yes, I would have.

13 Q. And when was the WARN notice sent to the
14 Mayor's office from the Four Seasons New York?

15 A. I don't remember.

16 Q. Who would know that?

17 A. Well, I would; I just don't remember.

18 MS. RISMAN: We call for the production of
19 the WARN notice sent to the Mayor's office.

20 A. You should have that.

21 MS. LUNDY: We ask that you follow up in
22 writing, and we'll respond. Thank you.

23 Q. Ms. Ortiz, did you send a WARN notice to
24 somebody named -- somebody named -- Barbara Chang?

25 MS. LUNDY: Objection.

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1 A. The name doesn't sound familiar at this
2 moment.

3 Q. Do you know who Barbara Chang is?

4 MS. LUNDY: Objection.

5 A. The name doesn't sound familiar at this
6 moment.

7 MS. RISMAN: Plaintiffs' Exhibit 12.

8 (Whereupon, a letter to Barbara Chang and
9 Reynold Graham by Rudy Tauscher dated 3-26-20,
10 along with a list of job titles and employees,
11 Bates-stamped WarnerDEF001104 through
12 WarnerDEF001106, was marked as Plaintiffs'
13 Exhibit 12 for identification, as of this date.)

14 Q. So focusing your attention to what's just
15 been marked as Plaintiffs' 12, have you ever seen
16 this document before?

17 A. Well, this is the Workforce Department of
18 Labor. The name isn't familiar, but yes.

19 Q. And did you help draft this document?

20 MS. LUNDY: Objection.

21 A. This would have come from Counsel.

22 Q. The document's signed by Rudy Tauscher,
23 correct?

24 A. Uh-huh. Yes. Sorry.

25 Q. Would you agree with me that in the first

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1 paragraph, last sentence of the document, it
2 states, "Approximately 372 employees will be laid
3 off and approximately 372 employees are represented
4 by a labor organization, the New York Hotel & Motel
5 Trades Council, AFL-CIO. The local and national
6 labor organizations may be contacted at the
7 following addresses." Do you see that?

8 A. Yes.

9 Q. Is this statement true and accurate, that
10 approximately 372 employees were laid off prior to
11 March 26th, 2020?

12 A. Not prior to. Again, it was sporadic; it
13 was not all at once.

14 Q. But by March 26th, 2020, were approximately
15 372 employees laid off?

16 A. I don't remember, but the number sounds
17 right.

18 Q. And you'd agree with me that that's the same
19 number that was in Plaintiffs' 10? Let me just see
20 where that is.

21 A. That's the same number.

22 Q. Okay. Ms. Ortiz, do you know if this notice
23 was sent out on March 26th, 2020 to Barbara Chang
24 and Reynold Graham?

25 A. So at my direction, this would have been

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1 sent out at that time.

2 Q. So was it sent out on March 26th, 2020?

3 A. That's my understanding.

4 Q. Okay. Is there any reason that you did not
5 send this letter out earlier?

6 MS. LUNDY: Objection.

7 A. Again, going back to the mass confusion at
8 the time, I don't think any of us knew what was
9 going on. I don't know.

10 Q. Is it your understanding that this could
11 have been sent out earlier than March 26th, 2020?

12 MS. LUNDY: Objection to the extent it calls
13 for privileged communication. Ms. Ortiz may
14 answer to the extent it's not privileged.

15 A. You know, I don't think so. I think we were
16 all doing the very best we could under the
17 circumstances at the time, and, you know, trying to
18 stay in line with what we were required to do, what
19 we had to do, and what was necessary; we did the
20 very best we could at the time, and I don't think
21 that there's any reason except that we were just
22 doing what we could at the time.

23 Q. And what we just discussed were the WARN
24 notices sent to the nonunion employees, correct?

25 MS. LUNDY: Objection.

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1 Q. Withdrawn. I'm sorry. The notices that we
2 just discussed sent to -- sent to -- Barbara Chang
3 and Reynold Graham were sent on behalf of the union
4 employees, correct?

5 MS. LUNDY: Objection.

6 A. I'm not sure what they were sent on behalf
7 of. I know that we were required to send notice to
8 the New York City Office for Workforce Development,
9 the division of the Department of Labor.

10 Q. And you were also obligated to send a WARN
11 notice for the union employees to Peter Ward,
12 President of AFL-CIO, correct?

13 MS. LUNDY: Objection.

14 A. Correct.

15 Q. And you were also supposed to give WARN
16 notices to nonunion employees, correct?

17 MS. LUNDY: Objection to the extent it calls
18 for privileged communication. Ms. Ortiz is
19 directed not to answer, but may, to the
20 extent --

21 Q. So, Ms. Ortiz, I'm going to tell you again.
22 I am never asking you for privileged information,
23 so that's not what my question entails; everything
24 that I ask of you is for non-privileged
25 information. Okay?

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1 A. Understood.

2 Q. Ms. Ortiz, was Four Seasons New York
3 required to also send WARN notices to nonunion
4 employees?

5 MS. LUNDY: Objection.

6 A. So under the WARN Act, we are required to
7 notify all employees of any intent of -- an intent
8 for -- a closure, union or nonunion; the
9 requirement is for a mass layoff.

10 (Whereupon, a discussion was held off the
11 record.)

12 (Whereupon, an e-mail chain dated 8-7-20 and
13 Bates-stamped WarnerDEF000935 was marked as
14 Plaintiffs' Exhibit 13 for identification, as of
15 this date.)

16 Q. So, Ms. Ortiz, before we start here, I just
17 want to clarify that I didn't make any statement
18 relating to looking at your phone, but technically,
19 when you're under oath, you shouldn't be looking at
20 any of your electronic devices. I usually -- I
21 don't know if you were looking at your phone or
22 not, but just in case --

23 A. There was a notification that I had gotten.
24 My apologies.

25 Q. No, that's okay. Ms. Ortiz, focusing your

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1 attention to Plaintiffs' 13, Bates-stamped
2 WarnerDEF935, you'd agree with me this is an e-mail
3 between Rick Kaminskis, Alexandra Erbiti, and you,
4 correct?

5 MS. LUNDY: Objection.

6 A. It's predominantly between Alex and Rick,
7 and then, Alex asks me a question -- or it's an
8 FYI, "not sure what he needs this for."

9 Q. So, Ms. Ortiz, the very top of it states,
10 "FYI - [I'm] not sure what he needs this for." Did
11 you ever discuss with Alexandra Erbiti what
12 Rick Kaminskis needed this information for?

13 A. I'm sure we did. I mean, I vaguely remember
14 a conversation about this.

15 Q. And this e-mail is dated August 7th, 2020,
16 correct?

17 A. Yes.

18 Q. And in the e-mail, it states, "Can you send
19 me a copy of the warn letter that you are sending
20 out? No names but just the dates that will be on
21 the letter. Thanks." Do you see that? And that's
22 the e-mail from Rick Kaminskis on the very bottom?

23 A. Yes, I do.

24 Q. And then, Ms. Alexandra Erbiti responds to
25 that, stating, "Hello, So each letter has the

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1 individual's layoff letter specific to them. I
2 have a tracking sheet with everyone's layoff date,
3 do you prefer that document?" Do you see that?

4 A. I do.

5 Q. And then, he then responds again and says,
6 "No, just a sample but tell me how you calculate
7 the dates that would be in the letter." Do you see
8 that?

9 A. Yes.

10 Q. And then, Ms. Erbiti responds again and
11 states, "Attached is a copy of the WARN letter,
12 same as union without bumping rights. We
13 calculated their layoff date according to HEATH,
14 Workday, and ADP's last day of work. We also
15 double checked with their division head and/or
16 manager to make sure those dates seemed accurate."
17 Do you see that?

18 A. I do.

19 Q. And did Ms. Erbiti also check with you to
20 make sure the dates on the WARN notices to the
21 nonunion employees were accurate?

22 A. I don't recall specifically, but we would
23 have had a conversation about the specific letters.

24 Q. And do you know if the dates contained on
25 the nonunion WARN notices were calculated based on

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1 the last day they worked or when there was a
2 reduction in salary that was more than 50 percent
3 of the employees' salary?

4 MS. LUNDY: Objection.

5 A. I'm not sure I understand the question.

6 Q. What is the date that was used in the
7 furlough notices for the nonunion employees as
8 their last day worked?

9 MS. LUNDY: Objection.

10 A. It would have been their last day worked.

11 Q. Would that be the last day that they were on
12 the hotel premises?

13 A. I would assume so.

14 Q. And if that particular employee had their
15 salary reduced by more than 50 percent but was
16 still working for the Four Seasons New York, would
17 you still be using the last day that work was done?

18 MS. LUNDY: Objection.

19 A. It's an interesting question. Can you
20 rephrase that question?

21 Q. Sure. So in the WARN notices for the
22 nonunion employees, was the date listed on the
23 letter as the last day worked the date that that
24 particular employee last worked for the Four
25 Seasons New York or the date when their salary was

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1 reduced to more than 50 percent of their usual
2 salary?

3 MS. LUNDY: Objection.

4 A. I don't remember. I don't remember.

5 Q. Are you familiar with the dictates of the
6 WARN Act?

7 MS. LUNDY: Objection.

8 A. I would -- I think so.

9 Q. Do you know whether an employee is
10 technically placed on furlough when their salary is
11 reduced for more than 50 percent of their usual
12 salary?

13 MS. LUNDY: Objection.

14 A. I don't know specifically about the 50
15 percent, but I would -- I probably knew, but I've
16 forgotten. I mean, the triggers for WARN notices
17 are dependent on many things, right? There's a
18 trigger where it's a shop closing, it's a mass
19 layoff, it's a huge reduction; I mean, there's a
20 lot of different triggers; I can't remember them
21 all at the moment.

22 Q. So focusing your attention on what's been
23 marked as Plaintiffs' 13, WarnerDEF935, the very
24 top of the e-mail we discussed says, "FYI - not
25 sure what he needs this for"; the second section of

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1 that e-mail states -- the very last part of the
2 sentence states -- "We also double checked with
3 their division head and/or manager to ensure those
4 dates seemed accurate." Do you see that?

5 A. I do.

6 Q. Okay. When Ms. Erbiti states in this e-mail
7 that the dates seem accurate, is it because she
8 didn't have accurate dates for the last day that
9 each employee was working at the Four Seasons
10 New York?

11 MS. LUNDY: Objection.

12 A. I don't know what she meant by that, but I
13 will tell you there's nothing black and white --
14 there's nothing -- there's no gray area with Alex;
15 she would have had the specific information. I
16 think that that's just a vernacular, a term that
17 she just used -- I don't know what she meant -- but
18 this particular person is absolutely black and
19 white; she's not gray.

20 Q. Where does she currently work --

21 MS. LUNDY: Objection.

22 Q. -- Ms. Alexandra Erbiti?

23 A. She doesn't work for me anymore.

24 Q. Do you know where she works?

25 A. I do.

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1 Q. Where does she work?

2 A. The Four Seasons New York Downtown.

3 Q. Do you know why she left the Four Seasons
4 New York Hotel where you work?

5 A. She had a great opportunity to expand her
6 knowledge in another role.

7 Q. And what role does she have in Four Seasons
8 New York Downtown?

9 A. She is the Assistant Director of People and
10 Culture with an oversight into all other areas of
11 People and Culture.

12 Q. When she was working for the Four Seasons in
13 New York with you, she had the same position,
14 correct?

15 A. She did. She was primarily responsible for
16 labor relations, though. The smaller property
17 affords her the opportunity to be involved in
18 multiple different arms of the discipline.

19 Q. So at some point in time, you'd agree with
20 me that Four Seasons New York sent WARN notices to
21 the nonunion employees that were furloughed,
22 correct?

23 A. Yes, we would have.

24 Q. So my question to you is not whether you
25 would have but whether Four Seasons New York did

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1 send those WARN notices to nonunion employees.

2 A. Yes.

3 MS. LUNDY: Do you mind if I take a quick
4 bathroom break?

5 MS. RISMAN: Sure, absolutely.

6 (Whereupon, a break was taken at 2:24 p.m.
7 and the deposition resumed at 2:27 p.m.)

8 (Whereupon, a series of letters written by
9 Rudy Tauscher to a series of employees, all
10 dated 8-5-20, and Bates-stamped WarnerDEF000936
11 through WarnerDEF001017 was collectively marked
12 as Plaintiffs' Exhibit 14.

13 Q. Ms. Ortiz, I'm going to be showing you what
14 we've just marked as Plaintiffs' 14 Bates-stamped
15 WarnerDEF936 until 1017. Do you see that?

16 A. Yes.

17 Q. And did you have the ability to look at
18 these prior to the deposition?

19 MS. LUNDY: Objection.

20 A. Yes.

21 Q. And you reviewed these documents, correct?

22 A. Overview. I don't know that I looked at
23 them in detail, but yes.

24 Q. And would you agree with me that the letters
25 provided to the effect of nonunion employees are

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1 almost identical to one another, correct?

2 MS. LUNDY: Objection.

3 A. The general language is the same, but the
4 dates are different.

5 Q. So the only difference is -- in each of the
6 letters, is -- the date of when the temporary
7 layoff began, correct?

8 A. For that individual.

9 Q. Yes. So I think we're saying the same
10 thing. So you'd agree with me that according to
11 this letter that we just marked as Plaintiffs' 14,
12 Warner936 to WarnerDEF1017, the letters are almost
13 identical, but the dates are different for each of
14 the individual recipients of the letter, correct?

15 MS. LUNDY: Objection.

16 A. Yes.

17 Q. And the other difference is just the names
18 on the top of the letter where the letter is going
19 to, correct?

20 A. Yes.

21 Q. Other than that, the letters are identical,
22 correct?

23 MS. LUNDY: Objection.

24 A. So the names are different, the addresses
25 are different, the dates are different, the form

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1 language is the same.

2 Q. Other than the name, the address it's going
3 to, the date when the temporary layoff began, are
4 there any other differences in these letters that
5 we just marked as Plaintiffs' 14?

6 A. Not that I can -- not that I can tell.

7 Q. Are you aware of any differences in these
8 letters other than what we've just discussed?

9 MS. LUNDY: Objection.

10 A. I don't know what the differences would be.
11 No. Just basically what I just said: the name,
12 the address, and the dates.

13 Q. And who filled in the different names and
14 addresses in these letters?

15 A. That would have been somebody in my staff.
16 I don't know how to do mail merge.

17 Q. And who filled in the temporary layoff date
18 in these letters marked 936 to 1017?

19 A. So that would have been obtained from my
20 staff utilizing the HEATH scheduling system, the
21 work date, HRIS, and the actual department
22 schedules verifying last days worked.

23 Q. And was there anyone that reviewed the
24 layoff date to make sure that that date was correct
25 for each of these recipients?

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1 A. So, again, I can say with almost absolute
2 certainty that my team is extremely -- or at the
3 time, that team was extremely -- diligent in being
4 precise, so HEATH schedules, the work date, HRIS,
5 and the payroll and departmental system would have
6 been -- would have been -- accurate and therefore
7 making these dates as accurate also.

8 Q. Was there a mail merge spreadsheet that was
9 used?

10 MS. LUNDY: Objection.

11 A. I don't know.

12 Q. Do you know what that is?

13 A. Vaguely.

14 (Whereupon, a discussion was held off the
15 record.)

16 Q. So focusing your attention on
17 Vivian Holmes's letter Bates-stamped
18 WarnerDEF1015 --

19 A. I'm sorry. 1015 or 10 -- oh, here we go.
20 Okay.

21 Q. So focusing your attention on the date for
22 Ms. Vivian Holmes, it states "temporary layoff
23 which began on 7/14/2020." Do you see that?

24 A. I do.

25 Q. Okay. Do you know whether that was the

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1 correct date that Ms. Holmes was actually placed on
2 furlough?

3 MS. LUNDY: Objection.

4 A. Yeah. Well, she worked through middle of
5 July, so that's on or about that date, I believe.

6 Q. Did you work closely with Ms. Holmes when
7 she worked for Four Seasons New York?

8 A. No.

9 Q. Are you aware that Ms. Holmes had been
10 placed on a reduced work schedule that was less
11 than 50 percent of her salary per week back in
12 March of 2020?

13 A. I don't remember when it happened, but she
14 was put on a reduced workweek, but I don't remember
15 when.

16 Q. So is it your testimony that reduced
17 workweek was not taken into account when this
18 letter was written stating that her temporary
19 layoff began on 7-14-2020?

20 MS. LUNDY: Objection.

21 A. I can't say, because in my recollection, she
22 worked for the Department through the middle of
23 July. I don't know what her -- I know that she
24 wasn't working full-time, but she was responsible
25 for schedules and payroll which wouldn't have

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1 required full-time work. I don't believe she was
2 on property. And again, at that time, it was so
3 uncertain. I don't know -- I don't know if she was
4 needed, like, two days a week or four days a week;
5 I do know that on that day is when we absolutely
6 didn't need her to -- there was no one to do
7 payroll for or schedules. I don't remember, but --
8 yeah.

9 Q. Was the reason that Four Seasons New York
10 kept Vivian Holmes working there because they were
11 winding down something --

12 MS. LUNDY: Objection.

13 Q. -- or some other reason?

14 A. I'm not sure I understand the question.

15 Q. Okay. So you said that Vivian Holmes was
16 kept working at the Four Seasons New York for a few
17 months after March, correct?

18 A. Yes.

19 Q. Do you have any records to show whether her
20 schedule was reduced during that time from March
21 until July?

22 MS. LUNDY: Objection.

23 A. I think they've been provided.

24 Q. Okay. What specific records would show what
25 hours Ms. Holmes worked from March 21st, 2020 until

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1 July 14th, 2020?

2 A. The HEATH scheduling system would show and
3 then the payroll records would show what she was
4 paid for.

5 Q. And did anyone look at the payroll records
6 in drafting WarnerDEF1015 as it relates to
7 Ms. Vivian Holmes?

8 MS. LUNDY: Objection.

9 A. I would imagine so, but I can't be certain
10 where else would they have gotten the information.

11 Q. In March of 2020, was there a reasonable
12 expectation that Vivian Holmes would be laid off
13 because the hotel was closing to guests?

14 MS. LUNDY: Objection.

15 A. No.

16 Q. When would there be a reasonable expectation
17 that Ms. Holmes would be laid off?

18 MS. LUNDY: Objection.

19 A. I don't know if there was ever a reasonable
20 expectation, because we didn't know. I don't think
21 -- I don't think we knew. I think every week we
22 were holding onto, like, planning to reopen. I
23 don't think there was ever a reasonable
24 expectation. I think the expectation was to gear
25 up for reopening, because that's what the

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1 expectation was, and we maintained work schedules
2 with the expectation of reopening as soon as
3 possible.

4 Q. However, by July 14th, 2020, you no longer
5 thought that the hotel was reopening, did you?

6 MS. LUNDY: Objection.

7 A. Not true. I think that the -- you know,
8 where the delay in reopening was weeks at a time,
9 it became now maybe a month or a couple of months'
10 delay, if I remember correctly. You know, at one
11 point, it was, like, "We'll be open in two weeks,"
12 "We'll be open at the end of April," "We'll be open
13 -- we're reopening for" -- "We're reopening for the
14 medical staff," "We're closing for the medical
15 staff," "We'll be reopening in July." I mean, it
16 was a consistent rollercoaster of dates.

17 Q. In May, 2020 --

18 A. May, 2020?

19 Q. Uh-huh -- was there ever a decision made to
20 renovate the hotel before reopening it?

21 A. I don't remember.

22 Q. In June of 2020, was there ever a decision
23 made to renovate the hotel prior to reopening it?

24 A. Well, there are always discussions about,
25 you know, things we could do before reopening; I

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1 mean, it was a good time to do, you know, work that
2 needed to be done. I don't remember specific
3 conversations, but certainly, there have always
4 been discussions about -- I mean, hoteliers always
5 want, you know, different things. "We" -- you
6 know, "We need to redo the locker room"; there's
7 always this ongoing capital wish list, so to speak,
8 but I don't remember specifically.

9 Q. Okay. So my question to you is not whether
10 there were discussions to do renovations. Was
11 there a decision made in June of 2020 that the
12 hotel would not reopen because there would be
13 renovations done to the hotel?

14 A. Not that I remember.

15 Q. So when was that decision made that the
16 hotel would not reopen because renovations had to
17 be done to the hotel?

18 MS. LUNDY: Objection.

19 A. I think I answered that question earlier. I
20 think it wasn't until the middle of the year in
21 2021.

22 Q. And do you know what led to that particular
23 decision that the hotel had to be renovated and
24 would not be reopened?

25 MS. LUNDY: Objection.

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1 A. I don't know.

2 Q. Who told you about that decision?

3 A. I don't remember.

4 Q. And after you received notice of that
5 decision, what, if anything, did you do in relation
6 to your job?

7 MS. LUNDY: Objection.

8 A. That's a broad question. Can you be more
9 specific?

10 Q. Yes. So after you were told that the hotel
11 would now no longer reopen --

12 A. No, we are reopening.

13 Q. So please just let me finish my question,
14 okay? So after you were told that the hotel would
15 no longer reopen because of renovations that had to
16 be done to the hotel, what, if anything, did you do
17 in relation to your job?

18 MS. LUNDY: Objection.

19 A. I don't know what that means.

20 Q. Did you tell anybody "the hotel is now not
21 reopening any longer because we need to do
22 renovations"?

23 MS. LUNDY: Objection.

24 A. I don't know. Not that I recall as a
25 specific conversation.

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1 Q. Do you think that it was important for the
2 employees to know that the hotel would no longer be
3 reopened as planned?

4 MS. LUNDY: Objection.

5 A. Of course it was important, and I think we
6 were very, very communicative with employees on a
7 regular basis, on -- actually on a regular basis,
8 via newsletter, via e-mails, via phone
9 conversations, absolutely communicative with them.
10 In fact, I'm very almost over-communicative to the
11 point where at one point, the general consensus was
12 that we would no longer communicate because it was
13 more upsetting to the employees that were on
14 furlough to not get any news other than your
15 typical People and Culture information --
16 birthdays, anniversaries. I don't know.

17 Q. Why do you think that was upsetting to them?

18 A. I can't speculate. I don't know.

19 Q. Did you ever ask any of them "Why is this
20 upsetting to you?"

21 MS. LUNDY: Objection.

22 A. No.

23 Q. Did anybody write to you telling you that
24 they were upset with what was happening to them?

25 MS. LUNDY: Objection.

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1 A. Over the years, I've probably had
2 conversations with people -- first of all, I get
3 regular inquiries as to any news on the hotel, just
4 even one this morning, and I'm always responsive to
5 that. People, you know, reach out all the time,
6 and I'm very cognizant of people wanting to know
7 this. So I think we've always been transparent
8 about the fact that at some point, we will reopen,
9 it's just a matter of when, and I don't have any
10 other information than that.

11 Q. So, Ms. Ortiz, as you sit here today, is
12 there a reopening date for the Four Seasons
13 New York?

14 A. There is not at this moment.

15 Q. And do you know approximately the time the
16 Four Seasons New York plans to reopen?

17 MS. LUNDY: Objection.

18 A. I don't know specifically. No.

19 Q. So as you sit here today, it's very possible
20 the Four Seasons can remain closed for another five
21 years, correct?

22 MR. WAGNER: Objection.

23 MS. LUNDY: Objection.

24 A. I don't know that.

25 Q. But you would -- so, Ms. Ortiz, how long

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1 would it take the Four Seasons New York to open
2 after all the renovations are completed?

3 MS. LUNDY: Objection.

4 A. It would depend. It would depend, and I
5 can't speculate, because it's all -- it's all
6 dependent on what the reopening structure would
7 look like, meaning are we going to have food and
8 beverage? Are we going to have in-room dining?
9 Are we going to offer overnight dining? Are we
10 going to open gradually? Are we going to -- are we
11 going to replace any furniture? It's all dependent
12 on multiple things, so I can't answer that
13 question.

14 Q. Is there any timetable relating to the
15 renovations?

16 MS. LUNDY: Objection.

17 A. Not that I'm aware of. Not that I'm aware
18 of.

19 Q. We're just going to take a five-minute
20 break.

21 (Whereupon, a break was taken at 2:46 p.m.,
22 and the deposition resumed at 2:53 p.m.)

23 Q. So, Ms. Ortiz, you had mentioned that there
24 was no timetable for renovations; is that correct?

25 A. That I was aware of at that time.

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1 Q. And you had also mentioned that the hotel
2 was still deciding whether or not to have in-room
3 dining for reopening; is that right?

4 A. No. I think what I said was -- you had
5 asked what the timetable was, and I said it would
6 be a matter -- it would be -- it would be based on
7 what the reopening structure would look like, and
8 the timetable is dependent on what that reopening
9 structure is.

10 Q. So for a hotel like Four Seasons New York,
11 wouldn't a reopening structure have to have certain
12 types of things like an in-room dining and
13 out-dining be part of the hotel?

14 MS. LUNDY: Objection.

15 Q. I'm going to withdraw that. Are there
16 certain criteria for a five-star hotel to have in
17 order to operate as a five-star hotel?

18 MS. LUNDY: Objection.

19 A. I don't know if it's the stars as much as it
20 is the type of service. So a luxury hotel, the
21 expectation is that they have a food and beverage
22 outlet, that there are spa facilities, that there
23 are gym facilities; that's what makes a luxury
24 property a luxury property. The stars are dictated
25 by the requirements of either Forbes or -- you

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1 know, I mean, it's Forbes stars and what their
2 criteria is. I don't know what it is off the top
3 of my head, but yes.

4 Q. Does the Four Seasons Hotel And Resort brand
5 require a hotel to have certain criteria in order
6 to be part of that brand?

7 MS. LUNDY: Objection.

8 A. Specifically -- I don't know what the
9 specifics are, but every brand has criteria that's
10 required. There are local SOPs that are based on
11 the area, but there are certain general rules of
12 thumb that are required.

13 Q. So wouldn't it be fair to say that the
14 reopening plans had to contain certain criteria for
15 this particular hotel to reopen?

16 A. Well, again, it depends on the expectations.
17 I mean, it depends on if we just wanted to reopen
18 to reopen; I mean, realistically, we could open
19 with limited service with, like, a ramp-up period
20 -- which is called a ramp-up period -- with the --
21 with the -- idea that we would eventually become --
22 you know, move into -- that full service, but it
23 wouldn't have to be -- that's what I mean.
24 Reopening could be based on a million things: Do
25 we just want to reopen one tower -- right now, we

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1 have two towers; do we just want to reopen one
2 tower? Do we want to reopen the lower level? Do
3 we want to reopen the higher level? It's all
4 dependent on the reopening structure.

5 Q. So why hasn't any decision been made related
6 to the reopening structure?

7 MS. LUNDY: Objection.

8 A. I don't know.

9 Q. Who would be responsible for making that
10 decision related to the opening structure?

11 MS. LUNDY: Objection.

12 A. I think it's a collaborative decision, but I
13 don't know specifically who.

14 Q. Would that require Ty Warner to make the
15 decision --

16 MS. LUNDY: Objection.

17 Q. -- as to the reopening plans?

18 A. I mean, I don't know. It stands to reason
19 that he would be involved.

20 Q. Would you agree with me that Mr. Warner is
21 involved in a lot of decisions that get made
22 related to the Four Seasons New York hotel?

23 MS. LUNDY: Objection.

24 A. You know, I think it's a collaborative
25 effort on every part. I mean, when you have --

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1 yeah.

2 Q. When you say "it's a collaborative effort,"
3 who's part of this collaborative effort that makes
4 decisions as to whether or not to reopen the hotel?

5 A. Well, I think it's the operator known as
6 Four Seasons, then it's the Hotel 57 Services, LLC,
7 then it's the -- and then the ownership. So
8 there's the ownership entity, there's the operator
9 entity, then there's the property operators.

10 Q. Okay. Focusing your attention on the
11 ownership entity, who is part of the ownership
12 entity?

13 A. Well, that's a very broad question. In
14 short, I don't know all of the -- I don't know all
15 of the members. I do know that Mr. Warner is at --
16 is responsible for one entity; I don't know which
17 one that is. When I refer to ownership, I usually
18 refer to Cathy or our asset management team.

19 Q. And who is Cathy?

20 A. We've talked about her all day.

21 Q. Okay. And she's the owner of Hotel 57
22 Services, LLC?

23 MS. LUNDY: Objection.

24 A. No. No.

25 Q. So do you think she makes decisions as to

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1 whether or not to reopen the hotel?

2 A. I don't know; I can't speak for Cathy.

3 Q. So I had shown you an e-mail previously
4 related to ownership approval. Do you remember?

5 A. Yes.

6 Q. So what do you think ownership approval
7 means?

8 MS. LUNDY: Objection.

9 A. It goes back to what I said earlier, is,
10 there are different levels of approval; I don't
11 know the specific dollar amounts, but at certain --
12 there are certain thresholds that require -- just
13 like I'm writing checks, right, it depends on the
14 dollar amount of a check. Do you need one signer
15 or do you need two signers? It's the same thing
16 with business entities that are involved in this
17 operation. You know, can we make the decision at
18 the operation level? Do we need Four Seasons'
19 involvement? Do we need Ownership involvement?
20 Can Hotel 57 Services, LLC -- it depends on what
21 the thresholds are.

22 Q. So, again, when you say "Ownership
23 involvement," what does that mean?

24 MS. LUNDY: Objection.

25 A. To me, that means the -- whoever that entity

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1 is on the ownership side that represents
2 Mr. Warner.

3 Q. And who is the entity on the ownership side
4 that represents Mr. Warner?

5 A. I have no idea. I mean, my -- you know, I
6 haven't spoken with Cathy in a long time. There
7 are asset managers that I work with.

8 Q. And who are they?

9 A. Various asset managers.

10 Q. And what are their names?

11 A. All of them? I don't know all of them. I
12 always get the -- I want to say it's Solid Rock. I
13 always get them confused with Black Rock, but
14 there's Solid Rock.

15 Q. And what do they do for the Four Seasons
16 New York?

17 MS. LUNDY: Objection.

18 A. I don't know specifically. I know that they
19 manage the asset for ownership, I think, but I'm
20 not sure.

21 Q. And when you say they manage the asset, what
22 does that mean?

23 A. We have an asset manager. I mean, if you
24 have an asset, they're managing your asset.

25 Q. So are they managing the asset for Four

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1 Seasons New York Hotel or something else?

2 MS. LUNDY: Objection.

3 A. I just said for the owner.

4 Q. So are --

5 A. So you asked me who I refer to --

6 Q. Just let me finish. Are they managing the
7 assets for Ty Warner Hotels & Resorts?

8 MS. LUNDY: Objection.

9 A. That's my understanding.

10 Q. And when it came to the medical personnel
11 staying at the Four Seasons New York, who made the
12 decision to allow them to stay there from either
13 ownership or management?

14 MS. LUNDY: Objection.

15 A. I think I answered that question several
16 times. It was a collaborative decision based on,
17 you know, the call for -- the call for -- whatever
18 rooms from the Governor's office.

19 Q. Do you know who made the final decision to
20 allow the medical personnel to stay?

21 MS. LUNDY: Objection.

22 A. I don't.

23 Q. Is it your testimony that Ty Warner did not
24 make the final decision to allow the medical
25 personnel to stay at the Four Seasons New York?

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1 MS. LUNDY: Objection. That's not her
2 testimony. She just responded to that
3 question --

4 MS. RISMAN: Your objection is noted.

5 A. I don't know.

6 Q. Do you know whether Ty Warner made the final
7 decision to allow the medical personnel to stay for
8 those few months in the Four Seasons New York?

9 A. I do not.

10 Q. Did you ever read any newspaper articles
11 that stated that Ty Warner allowed medical
12 personnel to stay at the Four Seasons New York
13 during the months we discussed previously?

14 A. You know, as much as it's hard to believe, I
15 don't pay attention to a lot of that, certainly not
16 at that time. There was a lot things going on in
17 my personal life that I just -- I didn't -- I
18 wasn't really -- the articles may have come across
19 my desk, they may have been presented to me, they
20 may have been shared. I take a lot of that media
21 information with a grain of salt.

22 Q. In March of 2020, did the Four Seasons
23 New York, themselves, provide for general media
24 statements regarding allowing medical personnel to
25 stay at the Four Seasons New York?

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1 A. Yeah, we probably did.

2 (Whereupon, a three-page document
3 Bates-stamped WarnerDEF002199 through
4 WarnerDEF002201 was marked as Plaintiffs'
5 Exhibit 15 for identification, as of this date.)

6 Q. So, Ms. Ortiz, I'm going to be showing you
7 what's been marked as Plaintiffs' 15, Bates-stamped
8 WarnerDEF2199 until 2201. Now, Ms. Ortiz, did you
9 draft any of this document that I'm showing you
10 that's just been marked Plaintiffs' 15?

11 A. I don't think so.

12 Q. Have you ever seen it before?

13 A. I don't remember specifically in this
14 format, but probably in some format at one point or
15 another.

16 Q. Okay. So focusing your attention to both
17 the first page of the document, 2199, and the
18 second page of the document, 2200 --

19 A. The first page is 2198.

20 Q. Really? Can I see?

21 MS. LUNDY: Mine's 2199.

22 MR. WAGNER: We're just missing the front
23 page?

24 MS. RISMAN: Yeah, that's okay.

25 Q. So focusing your attention to the

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1 document --

2 MS. LUNDY: So you're going to move
3 forward --

4 MS. RISMAN: Yeah. Let's --

5 Q. You know what? Let's take out the 2198 and
6 just -- maybe that's easier.

7 MS. LUNDY: So we have up until 2201. Am I
8 just removing 2198 and marking --

9 MS. RISMAN: Wait. Hold on one second. So
10 you just have 2199, right, on yours?

11 MS. LUNDY: Correct.

12 MS. RISMAN: Yeah, that's fine.

13 MS. LUNDY: So I'm going to remove the
14 Page 2198 and we'll re-mark it beginning at
15 Warner DEF2199 through 2201, Plaintiffs' 15.

16 Q. So focusing your attention to what's been
17 Bates-stamped 2199, where it states "E-mail and
18 Auto Reply for Contact Us and Medical NYF Inbox,
19 Response for frustrated personnel" -- do you see
20 that? It's specific -- do you see that, Ms. Ortiz?

21 A. Yes.

22 Q. It specifically says, "Dear XXX, We thank
23 you for your continued dedication to helping those
24 in need. Following the announcement of Governor
25 Andrew Cuomo and the hotel's owner, Ty Warner,

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1 Four Seasons Hotel New York is preparing the hotel
2 to accommodate nurses, doctors and medical
3 personnel who are tirelessly working to help
4 New Yorkers as the COVID-19 pandemic evolves." Do
5 you see that?

6 A. I do.

7 Q. So that was the e-mail auto reply that was
8 sent to frustrated personnel, correct?

9 MS. LUNDY: Objection.

10 A. I don't know.

11 Q. So the second page of the document,
12 WarnerDEF2200, it says "General Media Statement."

13 A. Okay.

14 Q. And underneath, it says, "Following the
15 announcement of Governor Andrew Cuomo and the
16 hotel's owner, Ty Warner, Four Seasons New York is
17 preparing the hotel to accommodate nurses, doctors
18 and medical personnel who are tirelessly working to
19 help New Yorkers as the COVID-19 pandemic unfolds."
20 Do you see that?

21 A. Yes, I do.

22 Q. So a very similar statement to the first
23 statement that I read, correct?

24 A. Yes.

25 Q. So does that refresh your recollection

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1 whether Ty Warner personally wanted to house
2 medical personnel in the Four Seasons New York?

3 MS. LUNDY: Objection.

4 A. Yes. Again, it would have been a
5 collaborative decision. Yes.

6 Q. But that's not what that statement says,
7 correct?

8 A. No.

9 Q. That says that it's Ty Warner wanting to
10 house the medical personnel, correct?

11 MS. LUNDY: Objection.

12 A. Actually, it says "Ty Warner, Four Seasons
13 Hotel New York is preparing the hotel to
14 accommodate..."

15 Q. It doesn't say Hotel 57 Services, LLC
16 anywhere there, correct?

17 A. No.

18 Q. And focusing your attention to --

19 (Whereupon, a four-page letter written by
20 Elizabeth Ortiz dated 4-9-20 and Bates-stamped
21 WarrenDEF002729 through WarrenDEF002732 was
22 marked as Plaintiffs' Exhibit 16 for
23 identification, as of this date.)

24 Q. So, Ms. Ortiz, focusing your attention to
25 what we've just marked as Plaintiffs' 16,

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1 Bates-stamped WarnerDEF2729 to 2732, would you
2 agree with me that according to this letter, it
3 states under "Hotel Operations" that "On March 20,
4 2020, in an abundance of caution, we made the
5 difficult decision to temporarily suspend most of
6 the hotel operations." Do you see that?

7 A. Yes.

8 Q. Now, the second paragraph from that -- and
9 before I get to that, actually, can you look at the
10 signature page Bates-stamped WarnerDEF2732?

11 A. Yes.

12 Q. That's your name, correct?

13 A. That's correct.

14 Q. So it was written by you, this letter,
15 correct?

16 MS. LUNDY: Objection.

17 A. I think a lot of this was how to file for
18 unemployment, that wasn't written by me; we would
19 have pulled it from their website. "Travel
20 Reimbursement," I would have written that. So yes,
21 some parts of it.

22 Q. Ms. Ortiz, there's a part in this letter
23 under the heading "Hotel Operations," second
24 paragraph, that states, "Shortly thereafter, our
25 owner Ty Warner, responds to the Governor's call-to

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1 action and asked us to re-open the hotel to provide
2 housing for the doctors nurses, and other medical
3 staff working on the front lines." Do you see that?

4 A. Yes, I do.

5 Q. And it specifically states here that it was
6 Ty Warner, right, that opened the hotel for medical
7 personnel, correct?

8 MS. LUNDY: Objection.

9 A. "...Ty Warner, responded to the Governor's
10 call-to action and us to the re-open the hotel" --
11 I'm sorry; I think out loud.

12 MS. LUNDY: Try to do that, as --

13 MS. RISMAN: Can you read the last question,
14 please? Just the last one.

15 (Whereupon, the requested portion of the
16 record was read back.)

17 A. Yes, that's what it states.

18 Q. And you wrote that portion of this letter,
19 correct?

20 MS. LUNDY: Objection.

21 A. It would have been a collaborative effort.

22 Q. The letter is signed by you, correct?

23 A. Right, but it would have gone under my name.

24 Q. So the employees that were furloughed by the
25 Four Seasons New York that received that letter,

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1 they would have thought you wrote that portion of
2 the letter, correct?

3 MS. LUNDY: Objection.

4 A. Well, I think things -- yeah. Yes.

5 Q. Now, looking to 2729 of this document,
6 Plaintiffs' 16, Bates-stamped 2729 on the bottom,
7 where it states "Furlough/Paid Time
8 Off/Unemployment," is that the part that you said
9 you took from another website?

10 A. Well, no. The time off would have been
11 taken from our policies, I would imagine.

12 Q. Do you see where it says "Furlough"?

13 A. Where? On the --

14 Q. On that same heading, it says "Furlough" --

15 A. "Furlough/Paid Time Off/Unemployment."

16 Q. Do you see that?

17 A. Yes.

18 Q. So by that time, the employees at the Four
19 Seasons Hotel New York were already on furlough,
20 correct?

21 MS. LUNDY: Objection.

22 A. Well, it goes back to what I've been saying
23 all along, is, we were closed under the direction
24 of the Governor's office; we weren't sure when we
25 would recall staff; there were certain -- there

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1 were certain nonessential divisions that we
2 couldn't operate because of the mandate, and I
3 think it was really unclear at the time only
4 because we had every -- we had every -- expectation
5 to be back -- be back -- in a fully operating hotel
6 within a month.

7 Q. Okay. Ms. Ortiz, it is possible to put your
8 employees that worked for the Four Seasons New York
9 on temporary furlough, correct?

10 MS. LUNDY: Objection.

11 A. Yes.

12 Q. Yes. So temporary furlough can mean one
13 month, correct?

14 A. Correct.

15 Q. So --

16 A. So yes. I see what you're saying.

17 Q. So just because the Four Seasons New York
18 wanted to bring the hotels employees back did not
19 mean that those same hotel employees were not
20 placed on furlough, correct?

21 MS. LUNDY: Objection.

22 A. Correct, and again, that was due to -- so
23 even in the one, two, three, four, the fifth
24 paragraph, there was still the Statewide
25 stay-at-home order until April 29th; then, we had

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1 expressed there that we would reopen on April 30th.
2 So it's confusing, right, because I don't know that
3 we ever decided to close or reopen; it was the
4 circumstances at the time and the situation with
5 COVID and the mandates and the health scare and all
6 -- there were multiple -- there were multiple
7 issues happening at the time. To answer your
8 question, yes. If you want to use the term
9 "furlough," these were people that were placed on
10 furlough or out of work due to the Governor's
11 office and the mandate for closure and the
12 stay-at-home order; I forgot about the stay-at-home
13 order, so this reminded me (indicating).

14 Q. So, Ms. Ortiz, are you aware of how many
15 nonunion employees were laid off or placed on
16 furlough on that date, April 9th, 2020?

17 A. Not off the top of my head; I would have to
18 look.

19 Q. And focusing your attention on this letter
20 marked Plaintiffs' 16, were there multiple drafts
21 of this letter prior to it going out to the
22 employees?

23 A. There might have been.

24 MS. RISMAN: We'd call for production of
25 those drafts.

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1 MS. LUNDY: If you'll follow up in writing,
2 we'll respond in turn. Thank you.

3 A. I can't say for sure. I don't know -- I
4 think -- when I say "multiple drafts," what I mean
5 is that maybe I wrote, "On March 20th, in an
6 abundance of caution, I sent it out" and the
7 Director of Sales and Marketing said "Don't use the
8 word 'abundance'; use 'in an effort.'" That's what
9 I mean. I don't mean, like, full-on drafts; I
10 mean, like, edits; and I can't -- this, I think
11 specifically, is from my office, based on
12 conversations we would have had. Anything we do in
13 the hospitality industry is collaborative; we don't
14 work in silos.

15 Q. You just mentioned that you may have sent a
16 draft to someone and they told you to change a
17 particular word, correct?

18 A. It wouldn't have been the draft; it would
19 have been, like, "Here it is," and then, it comes
20 back "Don't use 'abundance of caution'; use 'in an
21 effort to maintain safety'," for example. That, to
22 me, is not a rewrite; that's not multiple drafts;
23 it's just an edit on a word.

24 Q. So when you say, "Here it is," isn't that a
25 draft of a letter?

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1 MS. LUNDY: Objection.

2 A. So in my writing, I would say, "Please see
3 attached. Let me know if you have any changes. If
4 you don't have any changes, I'm sending it out."

5 Q. So that would be a draft of a letter,
6 correct?

7 MS. LUNDY: Objection.

8 A. Sure.

9 Q. You testified previously that paying that
10 one week's salary was the right thing to do. And
11 I'm paraphrasing what you said.

12 A. Yes.

13 Q. Right. Do you believe it was also the right
14 thing to do to continue paying for the employees'
15 medical benefits after they were on furlough?

16 A. Yes.

17 Q. Did the Four Seasons New York, do that?

18 A. We did.

19 Q. For how long?

20 A. I think everyone got an additional two
21 months, I believe; it was an additional two or
22 three months after their last day of work.

23 Q. And were you the reason that they received
24 those benefits?

25 A. Well, I don't know.

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1 Q. Did you ask anyone to provide those benefits
2 to the employees that were furloughed?

3 MS. LUNDY: Objection.

4 A. I probably would have.

5 Q. Did you propose to anybody that the
6 employees continue to get paid their salary while
7 on furlough?

8 A. Not that I recall.

9 (Whereupon, an e-mail chain encompassing the
10 dates 3-26-20 and 4-8-20 and Bates-stamped
11 WarnerDEF001160 through WarnerDEF001161 was
12 marked as Plaintiffs' Exhibit 17 for
13 identification, as of this date.)

14 Q. Ms. Ortiz, I see you shaking your head as
15 you sit there. I'm going to be showing you what's
16 just been marked as Plaintiffs' 17, and I'm
17 presuming by you shaking your head, you've seen
18 this e-mail before, correct?

19 MS. LUNDY: Objection.

20 A. Again, I don't remember the specific e-mail;
21 I remember this discussion.

22 Q. And tell me about what you remember about
23 this discussion.

24 A. Just that I think we -- as an executive
25 committee, we had discussed paying, like, a stipend

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1 or a percentage of, I don't know, salary or --
2 yeah, salary continuation for the furloughed
3 employees and the managers, and we had also raised
4 the idea that it would be -- it would be -- good to
5 pay at least some type of benefits coverage for an
6 -- for some period of time, whether it was two or
7 three months, given the unusual circumstances and
8 given the fact that we were unsure as to when we
9 would reopen.

10 Q. But you would agree with me that according
11 to this e-mail, it was Mr. Warner who "approved
12 the... health benefits for furloughed employees for
13 2 months but said no wages will be provided at this
14 time," correct?

15 MS. LUNDY: Objection.

16 A. That's what it says. Yes.

17 Q. Do you know that e-mail to be a true and
18 accurate depiction of the e-mails that were
19 exchanged on that date?

20 MS. LUNDY: Objection.

21 A. I don't remember, but I know that the
22 decision -- we discussed paying additional benefits
23 and we discussed not paying additional salary.

24 Q. Right, but you asked to have employees paid
25 an additional salary, correct?

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1 MS. LUNDY: Objection.

2 A. We did.

3 Q. And that was rejected by Mr. Warner,
4 correct?

5 A. I don't know for a fact, but that's what
6 this e-mail says.

7 Q. Do you have any reason to believe this
8 e-mail is not true and accurate?

9 MS. LUNDY: Objection.

10 A. No.

11 Q. At any time in the drafting of the WARN
12 notices, did anyone tell you not to use the word
13 "permanent"?

14 MS. LUNDY: Objection to the extent it calls
15 for privileged communications; I direct you not
16 to answer if it was not a communication with
17 your attorney.

18 A. Okay.

19 MR. BRUSTEIN: You mean if it was?

20 MS. LUNDY: If it was not, you may not; if
21 it was, you may not. Did that make sense? Did
22 I switch it around?

23 A. I understand what you're saying; I'm just
24 trying to remember where the direction came from.
25 I can't answer that question.

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1 Q. Okay. Would you agree with me that there
2 was protocol at the Four Seasons New York that when
3 it came to the furloughs of the employees, the word
4 "permanent" should never be used --

5 MS. LUNDY: Objection.

6 Q. -- related to their layoffs?

7 MS. LUNDY: Note my objection.

8 A. Yes.

9 Q. And you would agree with me that is why the
10 furloughs were always labeled "temporary
11 furloughs," correct?

12 MS. LUNDY: Objection.

13 A. No. I would say that the furloughs were
14 labeled "temporary" because the furloughs were
15 temporary.

16 Q. Okay. But those furloughs at some point
17 were no longer temporary, correct?

18 MS. LUNDY: Objection.

19 A. No, they're still temporary.

20 Q. Do you know what the meaning of "temporary"
21 is?

22 MS. LUNDY: Objection.

23 A. Not permanent.

24 Q. Okay. And you'd agree with me that
25 permanent layoffs would be something longer than a

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1 certain period of time, correct?

2 MS. LUNDY: Objection.

3 A. No. I think "permanent" is -- there's a
4 definitive end; "temporary" is there is no end.

5 Q. Have you ever looked up the definition of
6 "temporary"?

7 A. No, but I consider myself educated enough to
8 understand what the definition is and what the word
9 is.

10 Q. If I told you that the definition of
11 "temporary" is something which is not intended to
12 last for a long time, would you think that
13 definition was correct?

14 MS. LUNDY: Objection.

15 A. I think "long time" is subjective, it's
16 relative, it's based on your experience. "Long
17 time" depends on the situation.

18 Q. Do you think a few years is a long time for
19 a furlough to last?

20 MS. LUNDY: Objection.

21 A. Long time? What's a long time? I think
22 it's relative. It depends on what you're looking
23 at. Is three years a long time? From the time I
24 woke up this morning to now has been a really long
25 time, right? So it's all relative.

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1 Q. So, Ms. Ortiz, do you think that three years
2 to go without a salary is a long time to be without
3 a salary?

4 MS. LUNDY: Objection.

5 A. Again, that's relative. If somebody's
6 independently wealthy or they don't need to work,
7 then they don't need a salary.

8 Q. Do you think the employees that worked the
9 Four Seasons New York mostly were independently
10 wealthy?

11 A. I know that some are that haven't worked.

12 Q. And who are those people?

13 A. I don't know. They retired or they moved
14 or --

15 Q. But would you agree with me that most of the
16 people that worked at the Four Seasons New York
17 were not independently wealthy?

18 A. I think that's safe to say.

19 Q. So do you think that those people that were
20 not independently wealthy that worked for the Four
21 Seasons New York being on furlough and not being
22 paid a salary for about three years now is a long
23 time not to be paid a salary?

24 MS. LUNDY: Objection.

25 A. Why are they not being paid a salary?

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1 Q. You have to first answer my question.

2 A. Well, I'm asking for clarity, though.
3 They're not being paid a salary. Is that because
4 they've not chosen to work, or is it because
5 they've not chosen to supplement their wages?
6 That's -- I just need clarity on that.

7 Q. So they can't work for the Four Seasons
8 New York, correct?

9 A. Correct.

10 Q. And you said they've not chosen to work. Is
11 that where -- withdrawn.

12 Are you saying they should be working
13 somewhere else other than the Four Seasons
14 New York?

15 A. No, I'm asking the question are they not
16 making a salary because they're not working
17 anywhere else?

18 Q. My question to you is, should those people
19 that are on furlough from the Four Seasons New York
20 be seeking to work in other places at this time
21 while they're on furlough?

22 MS. LUNDY: Objection.

23 A. That's not my decision; that's an
24 independent decision. I don't know.

25 Q. Your question to me was, is it because they

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1 are not working, correct? So my question to you
2 back is, do you think that those people that are
3 currently on furlough for the Four Seasons New York
4 should be working elsewhere at this time while
5 they're on furlough?

6 MS. LUNDY: Objection.

7 A. So -- they could be.

8 Q. So they should be seeking other work,
9 correct?

10 A. I didn't say "should"; I said they could.

11 Q. They could be seeking other work, right?

12 A. They could be.

13 Q. Because Four Seasons New York has no
14 intention of bringing them back to work?

15 MR. WAGNER: Objection.

16 MS. LUNDY: Objection.

17 A. That's not true.

18 Q. So why should they be seeking other work,
19 then?

20 MS. LUNDY: Objection.

21 A. If I don't have a salary for three years,
22 I'm going to be working; I'm going to be something
23 else. That was all I meant. I wouldn't go for
24 three years and not work.

25 Q. Do you think a lot of those people that

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1 worked at the Four Seasons New York relied on the
2 fact that the hotel would be reopening and they
3 would be getting their jobs back?

4 MS. LUNDY: Objection.

5 A. And they still have that opportunity. Yes.

6 Q. And when is it that they would have that
7 opportunity?

8 A. I've already answered that question. I
9 don't know.

10 Q. So my question to you, again, is, for those
11 people who worked at the Four Seasons New York that
12 have gone without a salary for three years, is that
13 a long time to be without a salary?

14 MS. LUNDY: Objection.

15 A. If a person has chosen not to work in that
16 three-year period, that is a long time to go
17 without a salary.

18 Q. So focusing your attention back to the label
19 of a temporary layoff versus a permanent layoff, do
20 you recall the reason why the furlough of the
21 employees of the Four Seasons New York should only
22 be called "temporary"?

23 MS. LUNDY: Objection.

24 A. Because it is temporary; we have every
25 intention to reopen.

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1 Q. And when you say "we," who do you mean?

2 A. I have every intention on the property
3 reopening.

4 (Whereupon, a two-page e-mail chain among
5 Nicole Spillane, Michal Dedera, Rudy Tauscher,
6 and Elizabeth Ortiz on 3-19-20 and Bates-stamped
7 WarnerDEF008174 through 008175 was marked as
8 Plaintiffs' Exhibit 19 for identification, as of
9 this date.)

10 Q. So --

11 MS. LUNDY: I don't think she's done
12 reading.

13 Q. It's okay. While you read, I can still say
14 -- so, Ms. Ortiz, I'm giving you what --

15 MS. LUNDY: I'm sorry, Ms. Risman. Can you
16 just give her a minute to finish reading the
17 document so she can hear your question? She
18 can't do two things at once.

19 MS. RISMAN: My question is just for the
20 court reporter, that I'm marking it as
21 Plaintiffs' 18; that's all it is.

22 Q. So, for the record, Ms. Ortiz, I'm marking
23 this document as Plaintiffs' 18, Bates-stamped
24 WarnerDEF8174, 8175, and just let me know when
25 you're done reviewing.

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1 A. Okay.

2 Q. Ms. Ortiz, would you agree with me that this
3 is an e-mail between Nicole Spillane, Michal Deder
4 from Rudy Tauscher --

5 MS. LUNDY: What page are you on?

6 MS. RISMAN: Oh. 8174.

7 MS. LUNDY: There's multiple e-mails on this
8 page.

9 MS. RISMAN: I understand; your objection's
10 noted.

11 Q. So, at the top of the page, you'll see that
12 there's an e-mail exchange between Nicole Spillane
13 from Rudy Tauscher, and you're CC-ed on that
14 e-mail, correct?

15 A. Correct.

16 Q. And can you read that e-mail?

17 A. Sure. "Dear Nicole: Because of legal
18 issues, please use the term 'temporary' closing at
19 all times and in any communication going forward.
20 This can/should never...be misconstrued as a
21 permanent 'closure.'"

22 Q. So do you know why this can never be
23 misconstrued as a permanent closure?

24 A. Because we never had any intention of it
25 being a permanent closure.

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1 Q. And can you tell me what legal issues are at
2 stake here?

3 MS. LUNDY: Objection.

4 A. I don't know what he would have meant.

5 Q. And you'd agree with me -- so this e-mail is
6 dated March 19th, 2020?

7 A. Yes.

8 Q. And from the time of that e-mail, would you
9 agree with me that nobody at the Four Seasons
10 New York ever used the word "permanent" when it
11 came to either the closure of the hotel or the
12 furloughs, correct?

13 MS. LUNDY: Objection.

14 A. I don't know why we would have said
15 "permanent closure" anyway, because it wasn't a
16 permanent closure. I don't know where that came
17 from, but I do know that we wanted to be very clear
18 that we were not closing. We wanted to make sure
19 everyone -- "everyone" meaning the public, the
20 guests, the employees -- knew that we were not
21 closing permanently forever; that's all that that
22 meant.

23 Q. And prior to this date, March 19th, 2020,
24 was there somebody who used the word "permanent
25 closure"?

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1 A. No, I don't know.

2 Q. And did there ever come a time that anybody
3 used the word "permanent layoffs" relating to the
4 layoffs that the employees from the Four Seasons
5 New York were on?

6 MS. LUNDY: Objection.

7 A. It's never been permanent. No.

8 Q. You had said previously that you were
9 familiar with the WARN Act, correct?

10 A. Yes.

11 Q. Do you recall any part of the WARN Act that
12 states after an employee is on furlough for more
13 than six months, that employment is then deemed a
14 permanent layoff?

15 MS. LUNDY: Objection. That's not what the
16 WARN Act says.

17 Q. I'm not -- I'm asking you whether you know
18 anything about the WARN Act related to permanent
19 layoffs.

20 A. I don't know of any language in the WARN Act
21 that says after six months it's considered
22 permanent layoff. No.

23 Q. Do you know if any language in the WARN Act
24 states that after six months it's considered a
25 termination of employment?

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1 MS. LUNDY: Objection.

2 A. No.

3 Q. So back in March 19th, 2020, when that
4 e-mail was sent to you, did you think that the
5 furloughs would last for over three years?

6 A. No.

7 Q. And had you thought the furloughs would last
8 for over three years, would you then consider them
9 to be permanent furloughs?

10 MS. LUNDY: Objection.

11 A. I wouldn't have thought -- I wouldn't have
12 thought about it.

13 Q. So what if the layoffs lasts for ten years?
14 Would you consider them to be permanent layoffs?

15 MR. WAGNER: Objection.

16 MS. LUNDY: Objection.

17 A. Not if an operation is still operating.

18 Q. While on furlough, have any employees
19 provided you with resignation letters?

20 A. Some, yes.

21 Q. How many resignation letters do you have?

22 A. I would have to look.

23 Q. And where are those kept?

24 A. In the HRIS.

25 Q. Is that in your office?

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1 A. It's on a server; it's electronic.

2 MS. RISMAN: We call for the production of
3 any resignation letters.

4 MS. LUNDY: Please follow up in writing and
5 we will respond in turn.

6 Q. Were those resignation letters from union
7 employees or nonunion employees?

8 A. Some. Some have -- I think it's just
9 employees in general. I don't know.

10 Q. And approximately how many resignation
11 letters do you think you received from March of
12 2020 until today's date?

13 A. I would have to look at the termination
14 file, which you have.

15 Q. The what file?

16 A. The termination list, I would have to look
17 at it, and we've produced that.

18 Q. But you haven't produced the resignation
19 letters, have you, to your knowledge?

20 MS. LUNDY: Objection.

21 A. No. Probably -- I don't know. I'd have to
22 look.

23 Q. Do you recall in 2020 having people sign
24 acknowledgment forms?

25 MS. LUNDY: Objection.

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1 A. What acknowledgment forms?

2 Q. Do you know what an acknowledgment form is?

3 A. Acknowledging what?

4 Q. I'm just asking you, do you know what an
5 acknowledgment form is?

6 MS. LUNDY: I object.

7 A. But an acknowledgment to what?

8 Q. I'm just asking you if you ever had anyone
9 sign any acknowledgment forms.

10 MS. LUNDY: Objection.

11 Q. If you know.

12 A. It's possible if we had new hires.

13 Q. So did you have any new hires in July of
14 2020?

15 A. In July of 2020?

16 Q. Yes.

17 A. No, we were closed.

18 Q. Did you ever have any new hires in August of
19 2020?

20 A. No.

21 Q. Did you ever ask employees that were
22 scheduled to work during those months to sign
23 acknowledgment forms?

24 MS. LUNDY: Objection.

25 A. If so, it would have been for the Meal

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1 stipend or the Uniform Maintenance stipend; that's
2 the only two things that I can think of.

3 Q. So what is the Meal stipend?

4 A. We no longer served food, and in place of
5 not serving food, we would give, I think we're
6 doing, like, \$20 or \$10 a day -- I don't
7 remember -- in lieu of providing food on the
8 property for those people that are on the property;
9 and then, the laundry would be for people who
10 launder their own uniforms, because under the
11 New York Hospitality Wage Order, we're required to
12 provide for both of those.

13 Q. Do you recall in May of 2020 that New York
14 was attempting to open back up --

15 MS. LUNDY: Objection.

16 Q. -- for business?

17 MS. LUNDY: Objection.

18 A. Sure. I guess so. I don't remember.

19 MS. LUNDY: Please don't guess.

20 THE WITNESS: Sorry.

21 A. I don't remember.

22 Q. Do you remember receiving anything from
23 New York State related to opening up New York for
24 business?

25 A. No.

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1 Q. You mentioned the Planning Committee earlier
2 in your testimony, correct?

3 A. Uh-huh.

4 Q. What is the Planning Committee?

5 A. It's the key leaders of the hotel -- the
6 executive leaders of the hotel -- which I've
7 mentioned several times -- that include the
8 General Manager, myself, Directors of Sales and
9 Marketing, Director of Engineering, Hotel Manager,
10 Director of Rooms -- all the division heads anyway
11 -- and that's what it was. So it's the C.O.R.E.
12 leadership of the property.

13 MS. RISMAN: Nineteen, please.

14 (Whereupon, an e-mail from Elizabeth Ortiz
15 to NYE Planning Committee dated 5-12-20 and
16 Bates-stamped WarnerDEF002111 was marked as
17 Plaintiffs' Exhibit 19, and a document
18 Bates-stamped WarnerDEF002112 through
19 WarnerDEF002198, with the cover page entitled
20 "NY Forward A Guide To Reopening New York &
21 Building Back Better" was marked as Plaintiffs'
22 Exhibit 20 for identification, as of this date.)

23 Q. Ms. Ortiz, I'm going to be showing you
24 what's been marked as Plaintiffs' 19 and
25 Plaintiffs' 20. So Plaintiffs' 19 is Bates-stamped

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1 WarnerDEF2111, and Plaintiffs' 20 is Bates-stamped
2 WarnerDEF2112 until 2162 [sic]. And I'm just
3 focusing your attention now to Plaintiffs' 19 2111.
4 Is that an e-mail from you to the NYF Planning
5 Committee?

6 A. Yes.

7 Q. What does NYF stand for?

8 MS. LUNDY: Objection.

9 A. It's a code. It's a payroll -- it's an
10 e-mail code.

11 Q. So who did this e-mail go to?

12 A. To the people I just mentioned earlier on
13 the Planning Committee: the executive leaders.

14 Q. Okay. And you'd agree with me that you
15 write in this e-mail, second paragraph from the
16 bottom, "Although hotels were deemed essential
17 businesses and were permitted to remain open, the
18 re-opening guidelines do not allow for certain
19 aspects of a hotel (like the health club) to
20 operate when the order lapses. We urge you to
21 review the re-opening guidelines for further
22 direction." Do you see that?

23 A. Yes.

24 Q. So what were the reopening guidelines that
25 everyone was told to review here?

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1 A. I assume this is the New York Forward
2 document that's attached on Exhibit 20.

3 Q. So there were no other reopening guidelines
4 that you're referring to?

5 A. No.

6 Q. So this document that's attached as
7 Exhibit 20, it's marked confidential. Do you see
8 that?

9 A. Where?

10 Q. On the bottom left-hand side, it says
11 "Confidential."

12 A. Yes.

13 Q. Was this confidentially given to you
14 directly by the Governor?

15 A. No, I don't remember. I don't know. This
16 would have been printed from the link that's
17 attached here. I don't know where the
18 "Confidential" came from; it's not mine.

19 Q. And you'd agree with me that Plaintiffs' 20
20 was a document where the cover stated, "New York
21 Forward," correct?

22 A. Yes.

23 Q. And said "A Guide To Reopening New York &
24 Building Back Better," correct?

25 A. Yes.

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1 Q. And throughout, it spoke about how New York
2 could reopen, correct?

3 MS. LUNDY: Objection.

4 Q. Without going through every single page,
5 this was a document that New York sent out?

6 A. It was issued by the Governor's office.
7 Yes.

8 Q. And did you use this in any way to try to
9 reopen the Four Seasons New York?

10 A. Not that I recall.

11 MS. LUNDY: Can we just go off the record
12 for a second?

13 (Whereupon, a discussion was held off the
14 record.)

15 MS. RISMAN: We can do five minutes.

16 (Whereupon, a break was taken at 3:56 p.m.,
17 and the deposition resumed at 4:05 p.m.)

18 Q. So, Ms. Ortiz, going back to the WARN
19 notices that were sent to the nonunion employees,
20 were those notices mailed out?

21 A. Yes.

22 Q. Were they also e-mailed?

23 A. Most likely, yes.

24 Q. And do you know how many people they were
25 sent to?

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1 A. No. Probably, like, 50 or 60. I don't
2 remember off the top of my head.

3 Q. If I said 78, would that refresh your
4 recollection?

5 MS. LUNDY: Objection.

6 A. Yeah, that sounds about right.

7 THE WITNESS: Sorry.

8 Q. And who entered the change in address of
9 every letter?

10 MS. LUNDY: Objection.

11 A. Say that again?

12 Q. So who entered the change of the name, the
13 address, and the date of layoff in every one of
14 these letters?

15 MS. LUNDY: Objection.

16 A. I think I answered that earlier. It would
17 have been one of my assistants, probably Lisa,
18 because she did all the mail merge, or Alex.

19 Q. And did somebody actually stuff an envelope
20 with each of these letters?

21 A. They would have. Yes.

22 Q. And was there a particular procedure that
23 was done to ensure that everyone received their
24 letter?

25 A. I don't think so. Not anything other than

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1 the normal. No.

2 Q. And was there any type of checklist that
3 somebody had to go through to make sure that the
4 letters were mailed out properly?

5 A. I don't think so. It was a smaller group
6 and they had already done bulk mailing, so it would
7 have been the same process.

8 Q. Was there any process used that ensured that
9 no one was missed and everyone received the letter?

10 A. That would have been through the employee
11 data checklist. If that's what you're referring
12 to, then yes.

13 Q. And how were these letters kept --

14 MS. LUNDY: Objection.

15 Q. -- by the Four Seasons New York?

16 MS. LUNDY: Objection.

17 A. What do you mean "how they were kept"?

18 Q. Were these letters kept on a computer system
19 or some other way?

20 A. Everything we have is electronic.

21 Q. And did anyone follow up with the employees
22 to make sure that they received these letters?

23 A. I don't know. I didn't.

24 Q. And can you tell me why these letters were
25 not sent before August 5th, 2020 to the nonunion

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1 employees of FSNY?

2 MS. LUNDY: Objection.

3 A. I think I've answered that question. I
4 think at the time, we had a rolling reopening date
5 and we didn't anticipate any extended layoffs, and
6 if you see by the dates on the letters, there are
7 varying dates of letters; we had every intention
8 of, you know, just calling people back, and we
9 wanted to make sure that -- I guess that we had the
10 -- I don't know what we wanted to make sure. I
11 think that there was never any intention for them
12 to be out so long.

13 Q. But you'd agree with me that the WARN notice
14 to the union employees was sent in March of 2020,
15 correct?

16 MS. LUNDY: Objection.

17 A. Yes, because that was a larger group, right?
18 So that's, like, a mass layoff. These nonunion
19 employees had varying dates of layoffs, so --

20 Q. Would you agree with me that most of the
21 layoff dates for this group of 78 nonunion
22 employees was in March of 2020?

23 MS. LUNDY: Objection.

24 A. No. I would have to look at it; I think
25 there are varying dates there.

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1 Q. And we discussed previously that the dates
2 listed for some of these employees, although their
3 salary was decreased by more than 50 percent, the
4 dates put on these letters was essentially the last
5 day that they worked for Four Seasons New York,
6 correct?

7 A. That would be -- yes.

8 Q. Now, do you recall a closure plan being
9 discussed in 2020?

10 MS. LUNDY: Objection.

11 A. I might, but I've probably forgotten. I'd
12 have to jog my memory.

13 Q. Are you aware of any revised closure
14 staffing model for New York?

15 A. So, again, that was just every -- every day,
16 every week, it was, like, a different conversation:
17 Are we opening next week? Are we opening at the
18 end of the month? Are we opening in the middle of
19 next month? So that staffing model would have been
20 adjusted and revised based on those conversations.

21 Q. And who would be reviewing that staffing
22 model?

23 MS. LUNDY: Objection.

24 A. At the time, it would have been whatever
25 leaderships that were in the Executive Committee

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1 that were on property.

2 Q. So is it your testimony that in June of
3 2020, the hotel had no intention of renovating the
4 hotel prior to reopening it?

5 MS. LUNDY: Objection.

6 A. What do you mean "the hotel," though? The
7 hotel or the operators?

8 Q. So my question to you is, in June of 2020,
9 did anyone, whether operators or owners or
10 managers, have any intention of renovating the
11 hotel prior to reopening the hotel?

12 MR. WAGNER: Objection.

13 MS. LUNDY: Objection.

14 A. I think I've answered that question; I think
15 we talked about there were conversations of before
16 we reopen; like, we talked about the cafeteria
17 before, we talked about, you know, new carpeting or
18 the employee locker rooms; there were always
19 different discussions -- "Wow. We should take this
20 time of closure to, you know, rework some of these
21 areas." So I think the conversation was always
22 ongoing.

23 Q. So, Ms. Ortiz, I'm not asking you about
24 conversations; I'm asking you whether there was a
25 decision in June of 2020 that renovations had to be

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1 done prior to the hotel reopening for business.

2 MS. LUNDY: Objection.

3 A. I don't remember.

4 Q. Do you recall whether Antoine Chahwan ever
5 provided you with any reopening model?

6 A. Not specifically. I'd have to see it.

7 Q. Do you recall whether Mr. Chahwan ever made
8 any determination that the General Manager should
9 be retained in case there was a closure of the
10 hotel?

11 MS. LUNDY: Objection.

12 A. I don't understand the question.

13 Q. So I'm going to be showing you what's marked
14 as 21.

15 (Whereupon, an e-mail by Rudy Tauscher to
16 Cathy Hwang and CC-ing Antoine Chahwan and
17 Elizabeth Ortiz dated 6-22-20 and Bates-stamped
18 WarnerDEF000903 was marked as Plaintiffs'
19 Exhibit 21 for identification, as of this date.)

20 Q. Ms. Ortiz, I'm going to be showing you
21 what's been marked as Plaintiffs' 21, WarnerDEF9097
22 [sic]. Are you aware that there was a closure
23 label model that was discussed between the various
24 ownership and operation persons --

25 MS. LUNDY: Objection.

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1 A. In relation to this e-mail?

2 Q. So I'm just wondering if this e-mail
3 refreshes your recollection as to whether there was
4 any discussion related to a closure label model for
5 the Four Seasons New York.

6 MS. LUNDY: Objection.

7 A. No. What this e-mail does is it reminds me
8 of our due diligence to notify the union of any
9 continuation of a closure, which is what this does.

10 Q. And do you see where it says, "Our
11 requirement is that GM is retained in the attached
12 version shown. Both GM and HM positions remaining
13 until the issue is resolved"? Do you see that?

14 MS. LUNDY: We're looking at a different
15 e-mail.

16 MS. RISMAN: Are you? I'm sorry.

17 A. WarnerDEF903.

18 Q. Sorry about that. Hold on. Oh, okay. I'm
19 sorry. So this e-mail deals with your notification
20 to the union, correct?

21 MS. LUNDY: Objection.

22 Q. This e-mail -- I'm sorry. Warner DEF903
23 deals with your communication to the union,
24 correct?

25 MS. LUNDY: Objection.

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1 A. Not mine.

2 Q. Tell me, what is Plaintiffs' 21
3 Bates-stamped Warner DEF903? Is that an e-mail you
4 ever saw before?

5 A. Well, my name is on it; I don't remember the
6 specific e-mail, but I remember this discussion.

7 Q. And what do you remember about the
8 discussion?

9 A. Nothing. We did our due diligence to let
10 the -- notify the union of our temporary closure,
11 that we would reopen at the end of August or early
12 September.

13 Q. And did you continue to notify the union
14 when the hotel didn't reopen?

15 MS. LUNDY: Objection.

16 A. We continued to notify the union as per the
17 contract of any reduced workweeks or layoffs.

18 Q. And at some point, the Four Seasons New York
19 entered into a stipulation with the union, correct?

20 MS. LUNDY: Objection.

21 A. That's a broad question. I mean, there's
22 several side letters. I don't know which one
23 you're referring to.

24 Q. At some point, did the Four Seasons New York
25 enter into a settlement agreement with the union,

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1 where they agreed to pay union members monies while
2 the union members were on layoff?

3 MS. LUNDY: Objection.

4 A. That was a City Council decision.

5 Q. Other than the City Council decision, was
6 there any other settlement agreement that was
7 entered into --

8 MS. RISMAN: I think that was part of your
9 -- your -- exhibits.

10 MS. LUNDY: Our Defendants' exhibits from
11 Plaintiff's --

12 A. I'm sorry. What was the question again?

13 MS. LUNDY: Do you know where it is?

14 MR. BRUSTEIN: If you give me one minute,
15 I'll tell you. Twenty-three.

16 Q. So, Ms. Ortiz, I'm going to show you what's
17 previously been marked as Exhibit D23.

18 MS. LUNDY: I don't know if you made that
19 distinction on the record.

20 MS. RISMAN: Yeah, I don't think he did.

21 Q. So I'm going to be showing you what's been
22 previously marked as Exhibit 23, and that's
23 Bates-stamped StaleyVFSR0304. Is that your
24 signature on the bottom of the document?

25 A. Yes, it is.

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1 Q. Does that refresh your recollection whether
2 Four Seasons New York entered into an agreement
3 with the union to pay union members salaries during
4 their furlough?

5 A. Yes.

6 Q. And so, according to this agreement, union
7 members were paid \$350 a week, commencing on the
8 week of September 5th, 2021, correct?

9 MS. LUNDY: Objection.

10 A. Yes.

11 Q. And that would be paid through January 1st,
12 2022, correct?

13 A. Yes.

14 Q. Were there any other types of agreements
15 similar to this one where the Four Seasons New York
16 entered into an agreement with the union agreeing
17 to pay union members throughout their furlough?

18 A. Yes, there was -- let me just read this.

19 Q. So, Ms. Ortiz, you just said there were
20 other agreements that the union entered into with
21 Four Seasons New York paying union members salaries
22 other than this agreement, correct?

23 MS. LUNDY: Objection. I don't think that
24 was her testimony; it was more specific.

25 A. No, I'm just -- I'm talking out loud. So

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1 this was the first one; this is the enhanced
2 severance agreement, and this came after the
3 discontinuation of the City Council decision.

4 Q. And were there any other agreements after
5 this agreement where the union members were
6 continued to be paid a salary weekly?

7 MS. LUNDY: Objection.

8 A. I don't remember.

9 Q. Do you know if Four Seasons New York is
10 currently paying union members a salary while
11 they're on furlough?

12 A. That's a better question. Yes.

13 Q. They are?

14 A. Yes. So that stands to reason that there's
15 an agreement somewhere; I just didn't remember it.

16 Q. But you'd agree with me that since the
17 furlough date, nobody has been paying the nonunion
18 members a salary, correct?

19 MS. LUNDY: Objection.

20 A. No, that's not true. Nonunion members are
21 being paid as well.

22 Q. Which nonunion members are being paid?

23 A. I don't know off the top of my head. It
24 would have been the hourly -- under the -- whatever
25 employee was designated under the FLSA as nonexempt

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1 and not administrative or whatever, that other
2 specification is privy to confidential information.

3 Q. And do you have a list of those members that
4 were paid --

5 A. Yeah, I think --

6 Q. -- based on --

7 A. I think it's been provided.

8 Q. -- based on what you're talking about right
9 now?

10 A. Yes. I believe it's been provided.

11 Q. And how many nonunion members were paid that
12 amount?

13 A. I would have to look.

14 Q. And what is the amount that was paid to
15 them?

16 A. It's \$500 a week.

17 Q. And how long was it paid to these nonunion
18 members?

19 A. Until the hotel reopens.

20 Q. So it's being paid to date?

21 A. Correct.

22 Q. And when did the payments start?

23 A. Well, it would have all been around the same
24 time. So it was the City Council mandate, then
25 that ended, then the union had this agreement, then

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1 we agreed to pay -- to continue paying -- those
2 nonunion employees that were categorized as
3 nonexempt employees under the FLSA.

4 Q. Who did that agreement take place with
5 between Four Seasons New York?

6 A. That would have been Hotel 57 Services, LLC
7 and, I guess, the other entities.

8 Q. So is it your testimony that Hotel 57, LLC
9 -- I'm sorry. Withdrawn.

10 Is it your testimony that Hotel 57
11 Services, LLC, on their own, came into an agreement
12 with the other Defendants in this case to pay some
13 nonunion employees monies weekly, or are you saying
14 something else?

15 MS. LUNDY: Objection.

16 A. No, it would have been a collaboration
17 again.

18 Q. So, again, who is it that decided to pay
19 some nonunion members \$500 a week until the old
20 hotel opens?

21 A. So it would have been a collaboration
22 between Hotel 57 Services, LLC Management, the
23 operator, i.e. Four Seasons, and the ownership
24 group.

25 Q. And do you know the reason that they decided

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1 to pay those monies to some nonunion employees that
2 were on furlough?

3 A. No.

4 Q. And do you know why it was decided not to
5 pay some of the administrative employees --
6 withdrawn.

7 Do you know why it was decided that
8 administrative employees were not paid this \$500 a
9 week?

10 A. So none of the exempt employees have been
11 paid any of that money; it just followed suit under
12 the City Council agreement that any of the
13 nonexempt employees would continue and the exempt
14 or those classified under the FLSA as
15 administrative or having access to confidential
16 information were not eligible for that money.

17 Q. So how many of those people were not
18 eligible for that money that were nonunion
19 employees?

20 A. I don't know off the top of my head.
21 Probably four that I can think of.

22 Q. Other than the four you mentioned, was
23 anyone else not eligible for those monies?

24 A. Not that I remember. I don't know. I'd
25 have to look.

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1 Q. Can you name the four people?

2 A. Sure. I mean, they're categorized as
3 nonexempt under the FLSA anyway. It would be the
4 Executive Assistant Elizabeth Wedge (phonetic); it
5 would be the -- I forget what her position is, but
6 Vivian Holmes, whatever her position is, and then
7 two of our sales managers, because they are deemed
8 offsite sales managers eligible for overtime --
9 overtime-eligible managers.

10 Q. So is it that the salaried positions would
11 not be provided with these benefits but the hourly
12 employees would?

13 A. It's not just the salary; it's the way
14 they're classified under the FLSA. Like, Vivian
15 Holmes is an hourly employee, but she's classified
16 under the FLSA as an administrative -- has
17 financial knowledge; I forget what all the -- that
18 particular -- what the hell's it called? --
19 classification is.

20 Q. How about Olive Ivey?

21 A. She's an exempt manager.

22 Q. So that's already five people that we named?

23 A. I forgot about Olive.

24 Q. Anybody else?

25 A. Well, yeah. I said there were the -- wait.

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1 Hold on a second. Did everybody get that money?
2 Yes, they did. Okay. Yeah. It would be any of
3 the exempt managers wouldn't have gotten it.

4 Q. And everybody else would have gotten \$500 a
5 week?

6 A. The hourly.

7 Q. The hourly employees would have received
8 \$500 a week?

9 A. Nonexempt, yes.

10 Q. Is there any agreement that mandates that
11 these payments continue to be made?

12 A. I would have to look. I can't imagine that
13 I would have done it without there being an
14 agreement, so -- and you may have it; I'd have to
15 look for it.

16 MS. RISMAN: If this was not provided, we
17 call the agreement be provided to us.

18 MS. LUNDY: Can we take a break for a
19 minute?

20 MS. RISMAN: Sure.

21 MR. BRUSTEIN: You mean, like, a five-minute
22 break?

23 MS. LUNDY: Yeah.

24 (Whereupon, a break was taken at 4:30 p.m.,
25 and the deposition resumed at 4:35 p.m.)

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1 MS. RISMAN: We're back on? Just the last
2 question. Sorry.

3 (Whereupon, the requested portion of the
4 record was read back.)

5 Q. So if there is an agreement, is it kept at
6 the Four Seasons New York?

7 A. So I have to -- let me just answer your
8 question. Yes, they would be kept at the Four
9 Seasons New York if there is an agreement.

10 Q. And to your knowledge, you believe there is
11 some sort of agreement where some of these nonunion
12 employees are continuing to be paid \$500 a week?

13 A. Yes, there would be; I wouldn't have
14 arbitrarily made that decision.

15 Q. And are there any e-mails related to this
16 agreement?

17 A. I'm sure there are, and I would think that
18 it's been provided, but I can double-check.

19 MS. RISMAN: So we'd call for the production
20 of this agreement in case we have not been
21 provided it.

22 MS. LUNDY: Please follow up in writing, and
23 we'll respond.

24 Q. Ms. Ortiz, are you familiar with the EmPact
25 agreement that the Four Seasons employees had to

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1 sign in order to work for the Four Seasons
2 New York?

3 A. Yes.

4 Q. Are you aware of whether all Four Seasons
5 employees sign an EmPact agreement?

6 A. Yes.

7 MR. WAGNER: Objection.

8 Q. And I'm asking you about Four Seasons
9 employees and other Four Seasons sister properties.
10 Are you aware of whether those employees also sign
11 an EmPact agreement?

12 MS. LUNDY: Objection.

13 A. I wouldn't know.

14 Q. So you only know about the Four Seasons
15 EmPact agreement that was signed by the employees
16 of the Four Seasons New York, correct?

17 A. Yes. That I have personal knowledge of,
18 yes.

19 Q. And you reviewed that EmPact agreement,
20 correct?

21 A. Yes.

22 Q. And would you agree with me that the EmPact
23 agreement is essentially the same for all employees
24 except for various amendments that get put in at
25 various times?

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1 MS. LUNDY: Objection.

2 A. I'm not sure what you mean by that.

3 Q. Is the EmPact agreement the same for all
4 employees that work at Four Seasons New York?

5 MS. LUNDY: Objection.

6 A. Well, yeah. There's also those employees
7 who are covered by the Collective Bargaining
8 Agreement, so it is a little bit different; the
9 arbitration process, the mediation process, that's
10 very similar.

11 Q. Would you agree with me that the --
12 withdrawn.

13 Would you agree with me that the EmPact
14 agreement for the nonunion employees of Four
15 Seasons New York is essentially the same for all of
16 the nonunion employees?

17 A. Yes.

18 Q. Are there any differences in the EmPact
19 agreement for nonunion employees from one employee
20 to another?

21 MS. LUNDY: Objection.

22 A. Not that I believe.

23 Q. So are you aware whether Vivian Holmes
24 signed an EmPact agreement with Four Seasons
25 New York?

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1 A. Yes.

2 Q. And are you aware whether Olive Ivey signed
3 an agreement?

4 A. Yes.

5 Q. And did Selena Staley sign a similar
6 agreement?

7 A. Yes.

8 Q. And you'd agree that every single nonunion
9 employee at Four Seasons New York must sign an
10 EmPact agreement or they cannot work there?

11 MS. LUNDY: Objection.

12 MR. WAGNER: Objection.

13 A. No, I don't think it would be that they
14 cannot work there. I think there's language -- I
15 would have to look at it, but there's not "if you
16 don't sign it, you can't work here."

17 Q. Do you know anybody -- withdrawn.

18 Do you know anyone that was employed by the
19 Four Seasons New York that refused to sign the
20 EmPact agreement?

21 A. No.

22 Q. And when is the first time that you read the
23 EmPact agreement?

24 A. Probably when I was hired.

25 Q. And did you have to sign an EmPact agreement

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1 as well?

2 A. I did.

3 Q. And --

4 A. I didn't have to; I chose to.

5 Q. And prior to testifying today, did you
6 review the EmPact agreement?

7 A. Briefly, not recently.

8 Q. Okay. Prior to signing a declaration in
9 this case, did you review the EmPact agreement?

10 A. What do you mean by that?

11 Q. Did there come a time that you signed a
12 declaration in this case?

13 A. Probably. I don't remember.

14 (Whereupon, a discussion was held off the
15 record.)

16 Q. So look, let's try -- so, Ms. Ortiz, I'm
17 going to be showing you what's been previously
18 marked as Exhibit 15.

19 A. Okay.

20 Q. Do you see that? And you'd agree with me
21 that that's your declaration, correct?

22 A. Yes.

23 Q. And it states there, "Declaration of
24 Elizabeth Ortiz," correct?

25 A. Yes.

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1 Q. And Number One states, "I'm the Director of
2 People and Culture for Defendant Hotel 57
3 Services, LLC," correct?

4 A. Yes.

5 Q. Then, it says, "and respectfully submit this
6 declaration in support of Defendants Hotel 57
7 Services, LLC, Hotel 57, LLC, Ty Warner Hotels And
8 Resorts LLC, and H. Ty Warner's collective, the
9 Warner Defendants, motion to dismiss the Amended
10 Complaint against the Warner Defendants in its
11 entirety." Do you see that?

12 A. Yes.

13 Q. When I asked you previously whether you knew
14 who Hotel 57, LLC, you said you didn't know who
15 that was, right?

16 A. No.

17 Q. So how did you submit a declaration on their
18 behalf if you don't know who Hotel 57, LLC is?

19 MS. LUNDY: Objection.

20 A. I didn't remember.

21 Q. Do you remember now?

22 A. It's one of the business entities.

23 Q. So on what basis do you have the authority
24 to submit a declaration on behalf of Hotel 57, LLC?

25 MS. LUNDY: Objection.

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1 A. It's one of the business entities.

2 Q. And do you have a basis to submit a
3 declaration on behalf of Ty Warner Hotels And
4 Resorts LLC?

5 MS. LUNDY: Objection.

6 A. I would say as one of the business entities.

7 Q. Do you work for Ty Warner Hotels And
8 Resorts LLC?

9 A. I work for Hotel 57 Services, LLC.

10 Q. So you'd agree with me that --

11 A. They're joint employers.

12 Q. So do you also have authority to submit a
13 declaration on behalf of H. Ty Warner?

14 MS. LUNDY: Objection.

15 A. Yeah, I would think so.

16 Q. How is it that you'd also have authority to
17 submit a declaration on behalf of H. Ty Warner?

18 MS. LUNDY: Objection.

19 A. It's a good question. I don't know.

20 Q. Is H. Ty Warner also a joint employer?

21 MS. LUNDY: Objection. Calls for a legal
22 conclusion.

23 A. I don't know.

24 Q. So these other joint employers, Defendants
25 Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner

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1 Hotels And Resorts --

2 A. Yes.

3 Q. -- are they the ones that draft the EmPact
4 agreement?

5 MS. LUNDY: Objection.

6 A. Actually, I'm not sure.

7 Q. And so, focusing your attention to Exhibit D
8 attached to your declaration, is that the EmPact
9 agreement?

10 A. Yeah, it's the handbook which contains the
11 EmPact agreement. Yes.

12 Q. Which part of it is the handbook and which
13 part of it is the EmPact agreement?

14 A. Well, I mean, it's all part of it. There's
15 the C.A.R.E. -- they call it EmPact; anyway, it's
16 all part of the same thing. There's the C.A.R.E.
17 provision in here somewhere, and then, there's the
18 -- yeah, the C.A.R.E., and then, it's at the end.
19 Yes.

20 Q. So according to your declaration, Number
21 Three, Number Four, and Number Five, which is the
22 second page of your declaration, you stated that --
23 withdrawn. I'm sorry.

24 According to your declaration, Number Four,
25 it states that "A true and correct copy of the

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1 EmPact agreement effective February, 2018 is
2 annexed as Exhibit D." Do you see that?

3 A. Yes.

4 Q. Now, focusing your attention on Exhibit D
5 there, and focusing your attention to Page Six of
6 the agreement and --

7 A. Page Six in Exhibit D?

8 Q. Yes. And if you look at the top right
9 corner, it says "Page 7 of 63 of Document 52-4."

10 A. Okay.

11 Q. You see a picture of someone there, right?

12 A. Yes.

13 Q. And who is that a picture of?

14 A. That's Rudy Tauscher.

15 Q. Do you know if Mr. Tauscher worked for the
16 Four Seasons New York in February of 2018?

17 A. I don't remember.

18 Q. Do you know if the Plaintiffs Ms. Staley,
19 Ms. Holmes, and Ms. Ivey signed the EmPact
20 agreement when Mr. Tauscher was already working
21 there?

22 A. Yes.

23 Q. What makes you say that?

24 A. Because I had to produce the signature pages
25 at the onset of this conversation.

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1 Q. And where did you get the signature pages
2 from?

3 A. The personnel files.

4 Q. And can you tell me, on the bottom of this
5 agreement Exhibit D, the EmPact agreement, it
6 states, "last revised February, 2018," correct?

7 A. Yes.

8 Q. Would you agree with me that in February,
9 2018, the person that was the General Manager at
10 the Four Seasons New York was Medhief Tekari --
11 M-E-H-D-I-E-F, T-E-K-A-R-I?

12 A. I don't know; I wasn't there in 2018 in
13 February.

14 Q. Now, according to your declaration, it also
15 states that you submit this declaration in support
16 of Defendants' Motion to Dismiss, correct?

17 A. Yes.

18 Q. So why do you think that Defendants' Motion
19 To Dismiss should be granted?

20 MS. LUNDY: Objection.

21 A. I'm not an attorney, so I couldn't really
22 respond to that.

23 Q. But is it your personal view that the
24 Plaintiffs' case should be dismissed?

25 A. Yes.

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1 Q. On what basis?

2 MS. LUNDY: Objection.

3 A. What's the question?

4 Q. On what basis should the Plaintiffs' lawsuit
5 be dismissed?

6 MS. LUNDY: Objection. Calls for legal
7 conclusions.

8 THE WITNESS: Can I ask you --

9 MS. LUNDY: Not while a question is pending.

10 MS. RISMAN: We're just going to take five
11 minutes. I'm sorry.

12 A. That's okay.

13 (Whereupon, a discussion was held off the
14 record.)

15 (Whereupon, the requested portion of the
16 record was read back.)

17 Q. So you wrote this declaration saying that
18 Plaintiffs' action should be dismissed, correct?
19 So I'm not asking you for a legal conclusion; I'm
20 asking you why you personally thought it was okay
21 to sign a declaration stating that the Plaintiffs'
22 action should be dismissed.

23 MS. LUNDY: Can I have the exhibit back,
24 please? Can the Witness have the document back
25 while you're asking your question?

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1 MS. RISMAN: Absolutely.

2 MS. LUNDY: Thank you so much. Can you read
3 back the question, please?

4 (Whereupon, the requested portion of the
5 record was read back.)

6 MS. LUNDY: Objection to the extent it
7 mischaracterizes the declaration in evidence.

8 MS. RISMAN: So your objection is noted.

9 Q. Ms. Ortiz, what is your personal feeling as
10 to why the Plaintiffs' action should be dismissed?

11 MS. LUNDY: Objection.

12 A. I think there's a couple of things. First
13 of all, we're not permanently closed, and there's a
14 process, I believe, under the C.A.R.E. and EmPact
15 agreement that has not been followed.

16 Q. And what is that process that hasn't been
17 followed?

18 A. There's an arbitration step, I think, that
19 has been eliminated; there's the -- I don't know if
20 it's mediation; there's the formal complaint with
21 the hotel that has not been followed; a formal
22 complaint with my office; I think there are steps
23 that have been taken out of this agreement that
24 have not been followed.

25 Q. So let's go into -- so I'm going to be

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1 showing you what now we're marking as Plaintiffs'
2 22.

3 (Whereupon, a 61-page document with the
4 cover page titled "U.S. EmPact Employee Handbook
5 with Four Seasons Hotel New York" was marked as
6 Plaintiffs' Exhibit 22 for identification, as of
7 this date.)

8 Q. So, Ms. Ortiz, focusing your attention to
9 Page 56 of the EmPact agreement, the very bottom,
10 where it states "No-Fault Separation Pay," it
11 states here, "If I receive a permanent layoff with
12 no right of recall or I am terminated for no fault,
13 my termination would be considered 'no-fault,'"
14 correct?

15 A. Yes.

16 Q. And it states that if that happens, then the
17 person "[cannot] seek mediation or arbitration of a
18 permanent lay-off or 'no-fault' termination under
19 Step 6 of C.A.R.E.," correct?

20 A. Yes.

21 Q. Now, focusing your attention to 54 of that
22 same document --

23 A. To Page 54?

24 Q. Yes, to Page 54, bottom left-hand side.

25 A. Yes.

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1 Q. The very top of it says, "Complaint,
2 Arbitration & Review For Employees," correct?

3 A. That's the C.A.R.E. agreement, yes.

4 Q. So Step 1 says, "I will discuss the matter
5 informally with my immediate supervisor," correct?

6 A. Correct.

7 Q. So at the time that Plaintiffs filed this
8 lawsuit, did they have an immediate supervisor?

9 A. They would have had supervisors that they
10 worked for previously. Yes.

11 Q. Okay. So who was Ms. Ivey's supervisor in
12 June, 2021?

13 A. That would have been Sharon Brambrut --
14 B-R-A-M-B-R-U-T.

15 Q. Was she furloughed in June, 2021?

16 A. No.

17 Q. Was she furloughed in June, 2022?

18 A. No.

19 Q. Is she still working there now?

20 A. She's recently been promoted.

21 Q. So is she working for Four Seasons New York?

22 A. No.

23 Q. So when you say, "she's recently been
24 promoted," where is she working?

25 A. She works for the World Office. She has

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1 left Hotel 57 Services, LLC and now works for Four
2 Seasons Hotel And Resorts International.

3 Q. How do you know that no one complained to
4 her?

5 A. What do you mean?

6 Q. You said Ms. Ivey should have complained to
7 her, correct?

8 A. Because we worked in conjunction; we never
9 received a formal complaint.

10 Q. But this says "informally with my immediate
11 supervisor." How do you know she never spoke to
12 her --

13 A. Because Sharon and I collaborate almost on a
14 daily basis over discussions that we've had; that
15 was never brought to our attention.

16 Q. And who was Ms. Staley's immediate
17 supervisor?

18 A. In 2021, that would have been Sharon as
19 well; she was the Director of Rooms.

20 Q. And in 2022, who was her immediate
21 supervisor?

22 A. Same.

23 Q. And when in 2021 did she get a promotion?

24 A. She didn't leave until the end of December;
25 she's only been gone three months.

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1 Q. And when was formal notice provided to them
2 that she became their supervisor?

3 MS. LUNDY: Objection.

4 A. Formal notice provided to them, it was
5 either in a communication saying who was the
6 leadership of the hotel and who to contact if they
7 had any direct questions, it would have been in an
8 e-mail maybe; I don't know that there was any, "Oh,
9 this is now your supervisor"; it was more like, "If
10 you have any questions, please speak with Sharon."

11 Q. Do you have an e-mail or any documentation
12 that would show that that was provided to them?

13 MS. LUNDY: Objection.

14 A. No, but I mean it's common sense; it would
15 have been common sense 'til -- there was nobody
16 else there; I mean, you'd have to be living under a
17 rock to not know that the next person to report to
18 would be the Director of Rooms, given the fact that
19 your other direct supervisors were not there.

20 Q. My question to you is, is there any document
21 that would show that they now had to report to
22 somebody else other than their supervisor prior to
23 March of 2020?

24 MS. LUNDY: Objection.

25 A. Not that I recall.

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1 Q. Now, you had testified previously that by
2 January of 2021, there was no General Manager,
3 correct?

4 A. I think he resigned at the end of January.

5 Q. So Step 5, where it says, "If I am
6 dissatisfied with the written decision in Step 4, I
7 will appeal to the General Manager within 14 days
8 after Step 4," that couldn't have been done if
9 there's no General Manager, correct?

10 A. But there are leaders in the building that
11 would serve in that role, myself included.

12 Q. So you did say previously that there was no
13 acting General Manager also, correct?

14 MS. LUNDY: Objection.

15 A. I don't think so. I think I said I've taken
16 on that role, but I don't own that title, and --
17 along with Steven Taplan.

18 Q. So you'd would agree with me there is no
19 General Manager, correct?

20 MS. LUNDY: Objection. At what point in
21 time?

22 Q. So in 2021, you'd agree there was no
23 General Manager in June, 2021, correct?

24 MS. LUNDY: Objection.

25 A. On the property level that those tasks would

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1 have been distributed to the remaining executive
2 leadership team that was in place.

3 Q. And in 2022, you'd agree with me there was
4 no General Manager, correct?

5 A. Those tasks would have been redistributed to
6 those of us who were on property in the leadership
7 roles.

8 Q. But you'd agree with me Step 5 does not
9 state General Manager or those tasks distributed to
10 others or something like that, right? It just says
11 -- it just says -- "If I am dissatisfied with the
12 written decision in Step 4, I will appeal to the
13 General Manager," correct?

14 MS. LUNDY: Objection.

15 Q. Withdrawn. So my question to you is, you'd
16 agree with me that according to Step 5, it states
17 specifically, "I will appeal to the General Manager
18 within 14 days after Step 4," and it does not state
19 anywhere there that anyone would appeal to anyone
20 other than the General Manager, correct?

21 MS. LUNDY: Objection.

22 Q. Yes or no.

23 MS. LUNDY: You can answer as you see
24 appropriate, Ms. Ortiz.

25 A. No, because there's always a contingency

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1 plan in businesses like ours, and whenever -- it's
2 common knowledge in our industry that if there are
3 emergency situations or dire situations, there is a
4 contingency plan that, absent a regional person,
5 then you'd go to the General Manager; absent a
6 General Manager, you'd go to the Director of Human
7 Resources; absent the Director of Human -- there's
8 a contingency plan; it's in our industry --
9 actually, I probably -- our Emergency
10 Communications Plan has that contingency set up.
11 So no.

12 Q. So I'd like to see where in this EmPact
13 agreement is this contingency plan. Please show
14 me.

15 MS. LUNDY: Objection.

16 A. I just said it's in the Emergency
17 Communications Plan, so that is brought out under
18 emergency situations like it was during COVID.

19 MS. RISMAN: We call for the production of
20 this Emergency Plan.

21 MS. LUNDY: Please follow up in writing and
22 I will respond in turn. Thank you.

23 MR. BRUSTEIN: You want to ask her what the
24 exact wording is?

25 Q. What is the exact wording of this Emergency

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1 Plan? What is it titled?

2 A. I don't have to look at it; I think it's the
3 Emergency Contingency Plan.

4 Q. Was that Emergency Contingency Plan given to
5 all of the employees?

6 A. No.

7 Q. Who was it given to?

8 A. It's a leadership document that allows for
9 us under emergency situations.

10 Q. Would this Emergency Contingency Plan be
11 given to Olive Ivey?

12 A. No, but she would know who to contact in
13 order of hierarchy.

14 Q. So my question to you is, was it ever given
15 to Olive Ivey --

16 A. No.

17 Q. -- the Emergency Contingency Plan? Was this
18 Emergency Contingency Plan ever given to
19 Vivian Holmes?

20 A. No.

21 Q. Was this Emergency Contingency Plan ever
22 given to Selena Staley?

23 A. No.

24 Q. Was this Emergency Contingency Plan ever
25 given to any other nonunion employees?

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1 A. No.

2 Q. Did you ever do any investigations as to any
3 complaints that you received from any nonunion
4 employees related to them not being paid their
5 severance pay?

6 MS. LUNDY: Objection.

7 A. I don't understand the question.

8 Q. Did you ever do any investigation of any
9 complaints from any nonunion employees when they
10 complained to you that they should be paid with
11 no-fault separation pay and they did not receive
12 it?

13 MS. LUNDY: Objection.

14 A. I don't know that anyone ever complained to
15 me that they should receive no-fault separation
16 pay.

17 Q. Do you recall --

18 A. It may have come up in general
19 conversations, but I don't remember specific times.

20 Q. Do you recall having a June 25th, 2021 town
21 hall meeting?

22 A. I do.

23 Q. Do you recall during that meeting people
24 complaining that they had not received no-fault
25 separation pay?

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1 MS. LUNDY: Objection.

2 A. I think there was probably a question as,
3 "Will we be getting any kind of severance?"

4 Q. And what was your answer to that question?

5 A. No, because we're not closed.

6 Q. Did anyone complain as to why the hotel was
7 not reopening and they were not being paid their
8 no-fault separation pay?

9 MS. LUNDY: Objection.

10 A. The word "complain," I think, is a
11 subjective word. Have there been questions and
12 concerns about whether or not we're reopening and
13 whether or not there would be any severance paid?
14 I wouldn't classify those as complaints, not
15 certainly to the level of emergency that would --
16 that would -- warrant any kind of investigation --
17 investigation -- into I don't know to what. My
18 answer for the last three years has been the same:
19 I don't have any knowledge, we are reopening, and
20 at this juncture, you're on a temporary layoff.

21 Q. So my question to you is, if a nonunion
22 employee complained to you, "Why is it that I am
23 not getting my no-fault separation pay based on the
24 EmPact agreement," what investigation would you
25 then do?

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1 MS. LUNDY: Objection.

2 A. So there are over 400 and -- whatever,
3 400-plus employees that have had concerns over the
4 last three years; I don't remember all of the
5 conversations or I don't remember all of the --
6 investigations into what? Investigate what?

7 Q. Have you ever investigated why the Four
8 Seasons New York has not paid their employees
9 no-fault separation pay?

10 MS. LUNDY: Objection.

11 A. Well, I know why they're not paying them:
12 because we're not closed.

13 Q. So you'd agree that no investigation would
14 be done by you if there was a complaint like that,
15 correct?

16 MS. LUNDY: Objection.

17 A. They are eligible for recall, and we were
18 temporarily closed.

19 Q. My question to you is, if somebody
20 complained to you about not receiving their
21 no-fault separation pay based on the EmPact
22 agreement, you would not have done an
23 investigation, correct?

24 MS. LUNDY: Objection. There's no
25 foundation for this question.

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1 A. I don't know what I am supposed to
2 investigate. I answered the question.

3 Q. So, Ms. Ortiz, is it your position that
4 neither the Plaintiffs or the other employees
5 furloughed are entitled to their no-fault
6 separation pay under the EmPact agreement?

7 MS. LUNDY: Objection.

8 A. At this juncture, they are not entitled,
9 because the language specifically says, "due to a
10 permanent closure." So no, they are not, because we
11 are not permanently closed.

12 Q. So is it your testimony that no payments of
13 any kind have been made to any of the employees
14 that were on furlough?

15 A. That is not my testimony.

16 Q. Have any payments been made of no-fault
17 separation pay to any of the employees that were
18 furloughed?

19 A. Not a no-fault separation pay.

20 Q. So no --

21 A. No no-fault separation pay. No.

22 Q. Now, you stated that various people have
23 provided their concerns to you, correct?

24 A. Yeah. Over the last three years, every
25 single employee in one way, shape, or form is just

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1 curious as to when we would be reopening.

2 Q. Have those people e-mailed you with those
3 concerns?

4 A. Probably. I don't remember anything
5 specifically.

6 Q. Did you keep those e-mails of the concerns
7 that you were e-mailed?

8 A. I've kept everything.

9 Q. So we'd be calling for production of all of
10 those e-mails of employees that e-mailed you their
11 concerns.

12 MS. LUNDY: Can you be more specific about
13 what -- concerns about what?

14 Q. So any concerns that you received in
15 reference to no-fault separation pay, we'd be
16 calling for the production of those.

17 A. So I don't think I would have received
18 anything that specifically says no-fault separation
19 pay; what I'm referring to is, "Hey, do you have
20 any news on the hotel? Are we reopening?" That's
21 what I would --

22 Q. Have anybody provided you with the concerns
23 as to why the hotel has been closed for so long and
24 they still have not received no-fault separation
25 pay?

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1 MS. LUNDY: Objection.

2 A. Probably, and my answer remains the same:
3 because we are not permanently closed and you're
4 not entitled to that payment under the EmPact
5 agreement.

6 Q. So when you were provided with those
7 concerns, and that was your answer, did you ever do
8 any investigation prior to providing that answer?

9 MS. LUNDY: Objection.

10 A. What investigation? There's no
11 investigation to be had, and I'm sorry, but you've
12 asked that several times in different formats, and
13 the answer remains the same: that I am one person
14 in this office managing over 400-plus employees'
15 requests, not to mention a million other things,
16 and under the circumstances, if somebody calls up
17 and says, "Hey, am I going to get paid?", my answer
18 would be, and has always remained, "Not at this
19 time, because you are not entitled to that payment
20 under the EmPact agreement."

21 Q. So if the Four Seasons New York decided not
22 to recall any of the employees that were
23 furloughed, would they then be entitled to
24 separation pay under EmPact?

25 MS. LUNDY: Objection.

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1 A. If the employees were not recalled, but
2 that's not the case; the plan is to recall them.

3 Q. So my question to you, though, is, if the
4 employees were not recalled, would they then be
5 entitled to separation pay under EmPact?

6 MS. LUNDY: Objection.

7 A. That would be me speculating, but I guess if
8 you look at the language specifically, probably so.
9 Yes.

10 Q. So getting back to the June 21st -- I'm
11 sorry. Withdrawn.

12 Getting back to the June 25th, 2021 meeting,
13 there were various people there that were getting
14 upset at that meeting, correct?

15 MS. LUNDY: Objection.

16 A. There was a pretty rude call.

17 Q. And people asked you if being on furlough
18 for this long was legal, correct?

19 MS. LUNDY: Objection.

20 A. I don't remember.

21 Q. Okay. You said that some of the people on
22 the call were rude?

23 A. Yeah. I mean, there was a tough call.

24 Q. How were they rude?

25 A. I think the aggressiveness, the tone of

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1 voice, what I deemed as disrespectful to me as the
2 messenger, but I understand -- you know, the
3 psychologist in me understands -- that people get
4 upset for whatever reason, so I didn't take it
5 personally. But yeah.

6 Q. And during that call --

7 A. Extremely disrespectful to me.

8 Q. Sorry. And during that call, you opened up
9 a chat box for people to tell you their questions,
10 concerns, complaints, correct?

11 MS. LUNDY: Objection.

12 A. Yes.

13 Q. Okay. And at that time, you were also aware
14 that many of the employees were simply confused
15 about the hotel's future, correct?

16 A. I can't speculate on what they thought. Not
17 getting the answer that they wanted at the time was
18 probably more -- was probably more -- the basis of
19 their questioning, because I didn't have the
20 answers.

21 Q. After that town hall meeting, did you save
22 the questions, concerns, and complaints that were
23 placed in the chat box?

24 MS. LUNDY: Objection.

25 A. Yes, of course, and then, we responded to

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1 those at a separate time.

2 MS. RISMAN: We call for the production of
3 those questions, concerns, and complaints placed
4 in the chat box for the June 25th, 2021 meeting.

5 A. You have them.

6 MS. LUNDY: Please follow up in writing, and
7 we'll respond in turn.

8 Q. So how many complaints were there in the
9 chat box for the June 25th, 2021 meeting?

10 A. I don't remember.

11 Q. Was it more than 50 complaints?

12 MS. LUNDY: Objection.

13 A. I doubt it.

14 Q. More than 25 complaints?

15 A. I don't know.

16 Q. So after you received those complaints in
17 the chat box, did you respond to each of them
18 individually in writing?

19 MS. LUNDY: Objection.

20 A. I believe we sent a general e-mail, because
21 there were -- some of the questions were similar,
22 so we responded rather than -- and then, there were
23 individuals that, of course, called me afterwards;
24 I don't remember who or to what degree, but yes.

25 Q. And would you agree with me that those

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1 complaints in the chat box refer to being on
2 furlough for that long, right?

3 A. I don't remember.

4 Q. But you did say you searched your records
5 and you do have those complaints, correct?

6 MS. LUNDY: Objection.

7 A. I don't know if "complaint" is the right
8 word; I think it's questions regarding the status
9 of the operation. "Complaint" is subjective. It's
10 a negative term that I just -- they were just
11 questions.

12 Q. When people -- withdrawn.

13 Was there something in the chat box that
14 stated what the hotel was doing was not legal?

15 MS. LUNDY: Objection. Asked and answered.

16 A. I don't remember.

17 Q. We're going to be --

18 MS. RISMAN: Can we take a break?

19 (Whereupon, a break was taken at 5:21 p.m.,
20 and the deposition resumed at 5:30 p.m.)

21 Q. Ms. Ortiz, you are aware that the June 25th,
22 2021 meeting was recorded, correct?

23 MS. LUNDY: Objection.

24 A. I wasn't aware of that until quite recently.
25 I was never notified that I was being recorded.

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1 Q. And did you listen to that recording?

2 A. No.

3 Q. You've never listened to it?

4 A. I have not.

5 Q. Did you ever see a transcript of the
6 recording?

7 A. I have not.

8 Q. And did you ever tell anyone from the
9 over-200 people on the call that a recording could
10 not be done?

11 MS. LUNDY: Objection.

12 A. Probably not. I mean, it's a State law,
13 right?

14 Q. Okay. And so, I want to focus your
15 attention on the recording, though, that we're
16 about to play.

17 A. You have the recording?

18 Q. We do.

19 MS. LUNDY: Are we marking this as an
20 exhibit, or you're just playing -- or if this is
21 the court reporter's procedure?

22 MS. RISMAN: So it's going to be
23 transcribed, correct, and it's already been
24 marked, right?

25 MR. BRUSTEIN: She just means that --

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1 MS. LUNDY: Is the court reporter going to
2 transcribe this recording?

3 MS. RISMAN: Yes.

4 MS. LUNDY: I object to lack of foundation
5 to the recording that's about to be played; we
6 don't know any chain of custody, we don't know
7 who specifically created what's about to be
8 played, and I reserve further objections to the
9 use of this line of questioning. Thank you.

10 Q. So, Ms. Ortiz, there was a meeting on
11 June 25th, 2021, correct?

12 A. Yes.

13 Q. And you spoke at that meeting, correct?

14 A. Yes.

15 Q. And there were participants that were mostly
16 furloughed Four Seasons New York employees,
17 correct?

18 A. I believe so.

19 Q. And you said that many of them were rude,
20 correct?

21 A. They were pretty hotheaded.

22 Q. So we're going to be playing you part of the
23 recording, and you'll let us know if that's your
24 voice on the recording. Okay?

25 A. Okay.

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1 MS. LUNDY: Objection.

2 A. Can I ask a question?

3 MS. LUNDY: No. Is it the whole recording?

4 MS. RISMAN: No.

5 Q. So we're going be playing portions of the
6 recording to you; you just let us know if that's
7 your voice and if that's what was said.

8 MS. LUNDY: Objection to the extent that the
9 full recording is not going to be transcribed;
10 portions of the recording, again, lack
11 foundation, lack context, and really places the
12 Witness at a disadvantage to properly respond to
13 the question, and I reserve further objections
14 to this line of questioning, even to the extent
15 of directing her not to answer. Thank you.

16 MS. RISMAN: So we're going to mark the
17 recording as Plaintiff's Exhibit 23.

18 MR. BRUSTEIN: I apologize for missing that.
19 (Whereupon, the recording was played, and
20 what was said on the recording was taken down by
21 the court reporter as follows:)

22 "MS. ORTIZ: So, I think at this juncture,
23 we've got quite a few people on the line. I'm
24 just going to go ahead and start. By now, you
25 will have received" --

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1 Q. Ms. Ortiz, is that your voice -- Ms. Ortiz,
2 is that your voice on the recording?

3 MS. LUNDY: Objection.

4 A. Yes.

5 Q. Do you recall starting the meeting that way
6 on June 25th, 2021?

7 MS. LUNDY: Objection.

8 A. I guess I did.

9 Q. Now, we're going to go to -- now, we're
10 going to --

11 MS. LUNDY: I'm sorry. Did we establish
12 what you're representing this recording to be
13 of?

14 Q. So, Ms. Ortiz, what was the June 25th, 2021
15 meeting? Withdrawn.

16 MS. LUNDY: I'm sorry. I wasn't asking for
17 a question to the Witness; I didn't know for the
18 record with respect to Plaintiffs' Exhibit 23 if
19 you've established what you represent this
20 recording to be of.

21 MS. RISMAN: So, for the record, Exhibit 23
22 -- Plaintiffs' Exhibit 23 -- is a recording of
23 the June 25th, 2021 meeting, where Ms. Ortiz was
24 the main speaker and participant, speaking to
25 the furloughed employees of Four Seasons

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1 New York.

2 MS. LUNDY: And note my objection, as I've
3 stated before. Thank you.

4 (Whereupon, a recording of the June 25th,
5 2021 meeting with the furloughed employees of
6 Four Seasons New York during which
7 Ms. Elizabeth Ortiz was the main speaker and
8 participant was deemed marked as Plaintiffs'
9 Exhibit 23 for identification, as of this date.)

10 Q. So we've established that was your voice on
11 what we just played, correct?

12 A. Yes.

13 Q. So focusing your attention to 1 minute and
14 28 seconds of the meeting:

15 (Whereupon, the recording, starting at the
16 1-minute-and-28-second mark was played and
17 transcribed by the court reporter as follows:)

18 "MS. ORTIZ: And -- okay. Sorry. I get
19 distracted. So I do know that you've been
20 waiting for this news for some time, and, you
21 know, I sent out the e-mail earlier; we have
22 followed the proper channels of notifying all
23 the different entities that need to be notified;
24 we have reached out to Mr. Rorrobo [phonetic],
25 we have reached out to Hazel, to Local 94, and

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1 to -- we've also spoken, you know, at length
2 with the corporate office, and so on and so
3 forth."

4 Q. Okay. Ms. Ortiz, that is your voice again
5 on the recording, correct?

6 MS. LUNDY: Objection.

7 A. Yes.

8 Q. When you state that you've followed proper
9 channels of notifying all the different entities
10 that need to be notified, what is it that you
11 meant?

12 MS. LUNDY: Objection. The recording that
13 you just played is taken out of context; I don't
14 even know what notice is being referred to in
15 that recording. I --

16 MR. BRUSTEIN: She's coaching.

17 MS. RISMAN: So, Ms. Lundy, the recording
18 speaks for itself; there is no notice that --

19 MS. LUNDY: Ms. Risman, it's incredibly
20 unusual to play a recording; it's even more
21 unusual to play a recording in bits and pieces
22 and picking out parts without providing the
23 Witness an opportunity to understand even the
24 entire context of what the individual was
25 saying. So I am just asking that if you're

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1 going to play the recording, that it be done in
2 a way that the Witness can properly understand
3 what the recording is saying.

4 Q. So, Mr. Ortiz --

5 MR. WAGNER: And can I just -- I'll put my
6 objection on the same basis: it's incomplete,
7 and any answer we would object to a question.

8 Q. So let's play the whole recording.

9 MS. LUNDY: Is there time for that?

10 MR. BRUSTEIN: Yes.

11 MS. RISMAN: Maybe we can listen to the
12 recording off the record and then go back on the
13 record, but I don't think that that's going to
14 happen.

15 MS. LUNDY: That's not fair to Ms. Ortiz.

16 (Whereupon, the recording was played from
17 the beginning and was transcribed by the court
18 reporter as follows:)

19 "MS. ORTIZ: So I think at this juncture,
20 we've got quite a few people on the line. I'm
21 just going to go ahead and start. By now, you
22 will have received the e-mail that I sent out
23 earlier, and I would just note that everyone --
24 everyone -- on the line has been anticipating
25 this in the news for the longest time. I do

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1 want to say before we start that on the line
2 today, we have Mr. Antoine Chahwan; he is our
3 President of Operations for the Americas; and
4 also, we have Abigail Charpienter; she's the
5 Vice President for People and Culture, also for
6 the Americas; and I do believe we also have our
7 Regional Director of People and Culture -- from
8 People and Culture -- Stacey Koppel. I think
9 everybody should -- if you can hear me okay,
10 just, like, give me a thumbs up, those people on
11 the screen. Okay, perfect. So thanks so much.
12 As always, it's really good to see all of you.
13 I do know that -- let's see -- I do know that --
14 sorry. One second. Okay. Sorry. I get
15 distracted. So I do know that you've been
16 waiting for this news for some time, and, you
17 know, I sent out the e-mail earlier; we have
18 followed the proper channels of notifying all
19 the different entities that need to be notified.
20 We have reached out to Mr. Rorrobo, we've
21 reached out to Hazel, to Local 94, and to --
22 we've also spoken, you know, at length with the
23 corporate office, and so on and so forth, and I
24 know that everyone is really keen to reopen the
25 hotel and begin welcoming back our guests. As I

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1 said in the e-mail that I sent out earlier, at
2 this time, we are going to continue to remain
3 closed, as the hotel is going to undergo some
4 infrastructure and maintenance work that needs
5 to be done in order to get the hotel back up and
6 running. This work, we're told, is expected to
7 last into 2022, but we will reassess the
8 reopening plans in the early spring of 2022
9 based upon the progress of the work as it gets
10 done. Certainly, we're committed to recalling
11 employees when we set up reopening; we're
12 committed to recalling the employees; and, you
13 know, when we get more information regarding
14 that recall and the reopening, then we will
15 reach out, but at this juncture, as I've said,
16 we will keep the hotel closed through the end of
17 this year and early through next spring, at
18 least, and, hopefully, we'll get, you know, more
19 information as it comes along. I know that
20 there are probably multiple questions, lots of
21 information; as I've said, we do have some
22 senior leaders on the call. Because there's
23 about 200 people on this call, it wouldn't
24 benefit anyone for us to open the lines for
25 questions. I will ask if you do have any

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1 specific questions, at the very top of your
2 screen next to the People icon, there is a
3 communication bubble; you can click on that
4 communication bubble and you can type on your --
5 you can type in the chat box any questions that
6 you might have. Sharon is on the line, and she
7 will be fielding those questions, but again, the
8 communication that we have today really is that
9 we will be closed through this year, early next
10 year, and that's the position we're in.
11 Certainly, we're always here and available to
12 respond to any questions or any calls, concerns
13 that you might; we'll continue to be here and
14 we'll continue to want to support you and, you
15 know, provide any kind of assistance or answers
16 to questions that you might have. At this
17 juncture, I'm going to see if Sharon has any
18 questions online; I'm not sure that you do. Are
19 there any questions that we have, maybe? Sharon
20 might be muted. Let me see here.

21 "MS. BRAMBRUT: Can you hear me all right?
22 There you go. Perfect. Thank you so much. So
23 just -- I just wanted to reiterate. You know,
24 it's always really nice to see everyone's faces,
25 and I know that this news is news that --

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1 everyone's been waiting to hear an update. I do
2 see some questions coming in, and really, you
3 know, the gist of the questions are, you know,
4 what is -- you know, where is the owner on this,
5 you know, please tell us exactly what he wants
6 to do, and questions relating to Santa Barbara.
7 What we can tell you is what, really, Elizabeth
8 shared earlier, which is, the hotel will remain
9 closed for work on the infrastructure. I do see
10 some questions regarding, can you be more
11 specific in regards to the infrastructure? You
12 know, I think many people on the line are aware
13 that we've had challenges with carpet and
14 wallpaper for a long time, and those are some of
15 the items -- some bigger-picture items -- that
16 people are aware of, continued work on elevators
17 and other systems throughout the building. I do
18 see a question as to why this wasn't done
19 sooner, and -- I'm sorry. I think we have
20 people who are not muted but just wanted to talk
21 about the question, why wasn't this done sooner?
22 You know, I think we don't really have specific
23 information other than this work is going to
24 start to take place, and some of it has been in
25 progress, and the estimated timeframe of that

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1 is, you know, spring of 2020, but this will
2 continue to be re-evaluated. I'm just looking
3 to see -- there's a question, Elizabeth -- I
4 don't know if you want to take this one: Will
5 we be eligible for regular unemployment?

6 "MS. ORTIZ: So unemployment is based upon a
7 couple of different factors. Certainly, if you
8 continue to remain eligible -- I mean, if you're
9 eligible for unemployment, you remain eligible
10 for unemployment, but certainly, there is a
11 cutoff time depending on how much time you have
12 used. I can't speak to what Unemployment would
13 decide, but at this juncture, my best answer for
14 that would to contact the Unemployment office --
15 Unemployment -- directly and make a
16 determination as to what your eligibility would
17 be for a continuation of that unemployment. And
18 again, it's based on years of service, years
19 worked -- that sort of thing; it's a calculation
20 that the Department of Labor uses.

21 "MS. BRAMBRUT: Elizabeth, there's another
22 question on the line about severance: Are
23 people entitled to severance pay?

24 "MS. ORTIZ: So at this juncture, the -- we
25 are looking at the fact that you are still

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1 currently furloughed employees that have worked
2 for the company, have worked for this property
3 for the time period that you have; you are
4 considered to be furloughed, so you wouldn't be
5 -- we wouldn't be paying out that severance at
6 this juncture, only because we do consider you
7 to be furloughed, we do anticipate reopening,
8 and we do anticipate recalling you to work once
9 we do reopen.

10 "MS. BRAMBRUT: Thank you, Elizabeth.
11 Elizabeth, I'm wondering if it's possible for us
12 to unmute Frank; I'd like to see if we could
13 have him elaborate a little bit. There's some
14 more questions about the infrastructure and then
15 questions about, the rooms were just redone,
16 what exactly will be fixed? So perhaps we could
17 see if we could get Frank unmuted.

18 "MS. ORITZ: Let me see if I can do that
19 here real quick. Is Frank actually on the line,
20 I think?

21 "MS. BRAMBRUT: He is. Yes.

22 "MS. ORTIZ: You know, it's not allowing me
23 to do it on this end. Maybe Frank, you can try
24 on your end.

25 "MS. BRAMBRUT: While we're working on

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1 Frank --

2 "MR. GALASSO: I'm on.

3 "MS. BRAMBRUT: Oh, perfect. Thank you.

4 "MR. GALASSO: Also, when it comes to the
5 work, I mean, the only thing that I -- you know,
6 our possibility is what I've been sending
7 ownership over the past year of work that's
8 needed at the time, which is upgrading our
9 electric switch gear room and cooling tower
10 issues that we're having related to our whole
11 HVAC system, and you've got the fire alarm
12 system, but there's other things that they are,
13 you know, complaining to have been removed from
14 the five-year plan, but you have to get together
15 with the guys from IT. So we're just waiting
16 for the list arriving beyond the stuff that I've
17 already requested over the past year.

18 "MS. BRAMBRUT: So I just want to mention, I
19 see a few comments that the questions are being
20 ignored. I just want to clarify. We have a lot
21 of questions coming in at the same time, and we
22 will get through them, so I don't want anyone to
23 feel like we're ignoring any questions; I'm just
24 going down the line as they come in, so please
25 note we're going to get through them. There is

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1 a question as to, what happens with our benefit
2 time? Elizabeth, I don't know if you want to
3 take that.

4 "MS. ORTIZ: So when you're referencing
5 benefit time, certainly, once you go on furlough
6 -- and this is a longstanding policy, I mean,
7 across most organizations -- the time doesn't
8 accrue. However, any benefit time that you do
9 have accrued and on the books, I mean, you're
10 eligible to have that paid -- paid -- out.

11 "MS. BRAMBRUT: Thank you, Elizabeth. What
12 -- we want to know if Unemployment will be
13 extended after September?

14 "MS. ORTIZ: I don't have the answer to that
15 question; that's a Federal, State, and
16 Department of Labor question.

17 "MS. BRAMBRUT: If the hotel is closed for
18 two years, does the owner -- does Ty Warner --
19 have the right to get out of the contract with
20 the Four Seasons Hotel?

21 "MS. ORTIZ: That is not something that I
22 have -- that I can answer.

23 "MS. BRAMBRUT: There is a question here
24 that says, please address if this is legal.

25 "MS. ORTIZ: If what's legal?

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1 "MS. BRAMBRUT: So the question is, please
2 address if this is legal --

3 "MS. ORTIZ: If what's legal?

4 "MS. BRAMBRUT: I'm not sure. I'll move on
5 to the next one. 'So a one-hundred-story
6 building can be erected in a year. What you are
7 describing as far as infrastructure takes two
8 months, tops, to complete in an empty building.'
9 I don't know, Frank, if you want to touch on,
10 you know, what the timeframe might be.

11 "MS. GALASSO: Well, depending on the
12 projects that they start doing -- for example,
13 the fire alarm can take up to a year-and-a-half
14 between the work and all the approvals needed by
15 the City. As far as -- with regard to the
16 switch gear room, that could take up to five
17 months, plus its delivering of the equipment
18 that's needed; and then cooling-tower work could
19 take -- you know, that could take -- about a
20 month or two. It all depends on how much work
21 they're going to do and if everything's going to
22 be done together or if it's going to be done one
23 project at a time, which those are the answers
24 we just don't have yet.

25 "MS. BRAMBRUT: There are a couple of

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1 questions about whether the contract with
2 Ty Warner is complete for Four Seasons New York.

3 "MS. ORTIZ: I have no idea.

4 "MS. BRAMBRUT: Okay. There are
5 questions -- so I think the question about 'is
6 this legal?', I have just received a few more
7 questions. Is it legal to be on a furlough for
8 this amount of time?

9 "MS. ORTIZ: I see. So there is no
10 limitations on how long employees can be on
11 furlough. There are -- there are -- there are
12 thoughts that there are timeframes on that, but
13 from a legal perspective, there isn't a length
14 of time -- you know, from my understanding,
15 there is not any kind of length of time with
16 respect to furlough. If a company puts
17 employees on furlough with the intention to
18 recall them and return them to work once they
19 are ready to do so, then that is part of -- part
20 of -- the process. I don't know why this is
21 doing that (indicating).

22 "MS. BRAMBRUT: So there is a question
23 about, if we get a job, I'm assuming, while on
24 furlough, does that affect severance pay?
25 Meaning, will Four Seasons say you left and

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1 therefore you are forfeiting severance?

2 "MS. ORTIZ: So the policy behind that is
3 typically, if you do leave the place of
4 employment, you're no longer connected to, or
5 associated with, that place of employment, so
6 you would then not be eligible for any type of
7 severance, should that severance ever be paid
8 out. But again, you know, the issue of
9 severance is not -- as I said earlier, is not --
10 something that we are considering at this time,
11 simply because we do anticipate bringing
12 everyone back to work.

13 "MS. BRAMBRUT: Thank you, Elizabeth. So I
14 have a question here. Depending on the projects
15 that are decided, is there anything concrete
16 about those projects at this point?

17 "MS. ORTIZ: Frank, maybe?

18 "MS. BRAMBRUT: Yeah.

19 "MS. GALASSO: I'm sorry. I missed that
20 question, Sharon.

21 "MS. BRAMBRUT: Sorry, Frank. Just -- so
22 I'm not sure if this is -- if I'm reading it
23 right, but depending on the types of project
24 that they're deciding to do, is there anything
25 concrete as far as these projects? What are we

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1 proceeding with at this point?

2 "MS. GALASSO: As of today, since, you know,
3 we're all just learning this, I don't have an
4 exact timeline of which project will start when.
5 Once we get there, you know, we can definitely
6 share that with the team.

7 "MS. BRAMBRUT: Elizabeth, I think this one
8 is for you: 'Can someone put in for pension and
9 then freeze it once it opens again?'

10 "MS. ORTIZ: So is that under the union
11 benefit plan?

12 "MS. BRAMBRUT: I believe that, yes. The
13 question is -- yes.

14 "MS. ORTIZ: So under the union benefit
15 plan, because we don't manage that plan, I
16 wouldn't be the person to respond to that
17 question. The pension administrators would have
18 that information for you, so my suggestion would
19 be that you reach out to the fund directly and
20 ask them that question.

21 "MS. BRAMBRUT: I have a question about the
22 repairs: 'Will our union, Four Seasons
23 employees, be doing the work -- doing the
24 repairs?'

25 "MS. ORTIZ: Say that again?

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1 "MS. BRAMBRUT: 'Will our union, Four
2 Seasons workers, be doing any of the repairs?'

3 "MS. ORTIZ: We are still under a Collective
4 Bargaining Agreement, so certainly, if there's
5 any work that comes into the building that falls
6 under the Collective Bargaining Agreement, then
7 we would abide by the direction under that
8 agreement.

9 "MS. BRAMBRUT: 'Is there any update on
10 COBRA coverage?'

11 "MS. ORTIZ: For individuals or --

12 "MS. BRAMBRUT: The question is just, is
13 there any update on COBRA coverage, and
14 that's --

15 "MS. ORTIZ: So by now, by now, both union
16 and nonunion -- the union, I believe has -- has
17 -- has already got everything under control with
18 respect to the COBRA subsidy or whether or not
19 you're entitled to Medicare and that sort of
20 thing. The nonunion plan with the COBRA, you
21 should have already applied for it. If there
22 are some people that are pending in the
23 system -- and I know that there's a couple out
24 there we do need to get back to; they're missing
25 some responses to the questionnaires regarding

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1 the COBRA subsidy -- I will address those
2 directly or independently or separately from
3 this otherwise.

4 "MS. BRAMBRUT: Bear with me. Sorry. So I
5 see another question about COBRA coverage; it
6 looks like more of an individual question.
7 'Besides unemployment, will we be compensated
8 while this work is done?'

9 "MS. ORTIZ: I don't have an answer to that
10 question, but Unemployment would be probably the
11 only compensation at this juncture.

12 "MS. BRAMBRUT: 'Can we have another town
13 hall with Ownership present and have them answer
14 some of these questions?'

15 "MS. ORTIZ: I don't have -- again, I'm
16 beginning to sound like a parrot, but I don't
17 have an answer to that question either.

18 "MS. BRAMBRUT: I think there's just some
19 general feedback that this doesn't sit right
20 with the team on the call, and please, can you
21 schedule a call with Ownership, can you help us
22 schedule a call? 'Is there anything that Four
23 Seasons Corporate would like to share?'

24 "MS. ORTIZ: You know -- and I'm going to
25 say this; I'm going to, kind of, go off script

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1 here for a second. I will say this, is that I
2 do know that we would love to have everybody
3 back in the building as soon as possible. I
4 also know that, you know, this is -- it's a hard
5 -- you know, we're -- you know, I think in
6 getting this news across the board, it's tough,
7 right? It's tough to realize; like, 'Wow, it's
8 been one year and then, you know, potentially
9 another year,' and I will say, you know, for
10 myself, personally, is that we would love to
11 have you back in the building sooner rather than
12 later, and I think, you know, throughout this
13 year, we've done everything possible to remain
14 connected and to remain, you know, engaged with
15 everyone. It's certainly not an easy position
16 to be in, I get that, and, again, you know,
17 whatever we can do on this end to provide you
18 with the support and the resources and the
19 assistance that -- you know, that -- you need on
20 that end, I mean, I can certainly offer that. I
21 do know that there are a lot of questions that,
22 you know, are not answered, you know, offline,
23 and if you want to do, you know, one-on-one or
24 have one-on-one calls, I'm happy to speak with
25 -- you know, call us; we can have a

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1 conversation. I think at this juncture, we --
2 you know, there's a lot of people on the line,
3 and I'm really happy to see that you're all
4 here. I do recognize, again, that this does not
5 sit well, and I understand that, and I --
6 whatever we can do here on this and to support
7 you, I will do that -- we will do that.

8 "MS. BRAMBRUT: Elizabeth, I think -- I know
9 we're coming to 3:30. I just want to -- one of
10 the last --

11 "MS. CHARPIENTER: Sharon --

12 "MS. BRAMBRUT: Oh, I am sorry.

13 "MS. CHARPIENTER: Sharon, it's
14 Abigail Charpietner, and just -- I know the team
15 wants to hear from -- more from -- the home
16 office team and people beyond the property, and
17 I also appreciate how incredibly frustrating and
18 difficult. I know you're asking reasonable
19 questions that you want more answers to, and at
20 this point, what we know is, again, what has
21 been communicated: that the hotel will remain
22 closed; we have to address these infrastructure
23 issues. However, we have a longstanding
24 partnership with Ty Warner and his organization,
25 and it is certainly our biggest goal to, sooner

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1 rather than later, proudly reopen the hotel in
2 midtown and continue that long relationship. We
3 are working fervently toward that, but we just
4 don't have -- it's not that we have information
5 that we're not telling you; we just don't have
6 any more information at this stage. So as
7 Elizabeth has suggested, we're certainly happy
8 to work on some of these individual questions.
9 We thought it was important that you hear from
10 us, and while I know these answers are not
11 fulfilling everything that you're looking for at
12 this point, as this news is going to go more
13 broadly, especially as we work with guests that
14 have reservations and we let them know that we
15 don't have an imminent reopening, again, we
16 wanted you to hear from us before you hear it
17 from anyone else; and our commitment is that we
18 will continue -- even as limited as the
19 information is we have is, we'll continue -- to
20 share with you as we have it. So please reach
21 out to Elizabeth and team if there's individual
22 situations; I saw from the chat that there are
23 still some requests for feedback on, you know,
24 specific situations or individual applications,
25 and we can work with you with that individually,

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1 but we're probably not going to be able to do it
2 here on this call. So with that, again, thank
3 you, Sharon and Elizabeth; I appreciate all of
4 your communication, and as we have more, we will
5 keep you posted.

6 "MS. ORTIZ: Thank you very much, Abigail;
7 I really appreciate it. And again, we do have
8 the -- Abigail said there are a lot of questions
9 in the chat, and I will go through them and
10 address them individually; and, again, you can
11 reach out -- most of you have my cell phone
12 number, you have the text, you have Sharon, you
13 know how to get ahold; and, like I said, we are
14 here, and we will continue to be here to respond
15 to and support you to the best of our ability.

16 "MS. BRAMBRUT: Thank you, Elizabeth. Thank
17 you, Abigail. Thank you everyone. We've
18 reached that 3:30 mark. Again, have a good
19 afternoon, and we will speak with you again
20 soon.

21 "MS. ORTIZ: Thank you."

22 Q. Ms. Ortiz, would you agree with me that the
23 recording is a fair and accurate depiction of the
24 town hall meeting that took place on June 25th,
25 2021?

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1 MS. LUNDY: Objection.

2 A. Yes.

3 Q. Can we just take five minutes?

4 MS. RISMAN: Court Reporter?

5 (Whereupon, a discussion was held off the
6 record.)

7 Q. So, Ms. Ortiz, some time has passed since
8 the June 25th, 2021 meeting, and essentially -- the
9 furloughed employees of Four Seasons New York are
10 essentially in the same position they were on
11 June 25th, 2021, correct?

12 MS. LUNDY: Objection.

13 A. Meaning that they're not working at the
14 hotel?

15 Q. So they're not working at the hotel,
16 correct?

17 A. That's correct.

18 Q. They're still on furlough, correct?

19 A. Correct.

20 Q. They haven't been paid any salary from the
21 hotel, correct?

22 MS. LUNDY: Objection.

23 A. No, because -- I don't know. It depends on
24 the employee. I mean, there are people that are
25 getting -- I mean, not a full salary.

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1 Q. So they're not getting paid a full salary,
2 correct?

3 A. No. Those that are not working, those that
4 are on furlough, no

5 Q. And would you agree with me that according
6 to this recording, there was no plan in place
7 setting out the renovations that had to be done?

8 MS. LUNDY: Objection.

9 Q. Withdrawn. On June 25th, 2021, did the
10 hotel have a plan in place related to renovations?

11 MS. LUNDY: Objection.

12 A. Well, I think -- and I've said this multiple
13 times today -- that there's always been a running
14 list of capital improvements, and I think
15 Frank Galasso alluded to that as well, the
16 different things that needed to be done. A
17 specific plan? We didn't know what was
18 specifically going to be approved of at that
19 particular time, but we've always known what the
20 running list of capital improvements would be.

21 Q. Were there any emergency capital
22 improvements on June 25th, 2021 that had to be
23 done?

24 A. I don't remember.

25 Q. Are there any emergency capital improvements

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1 that are going on right now --

2 MS. LUNDY: Objection.

3 Q. -- at the hotel?

4 A. No. I mean, I don't know.

5 Q. And so, is there any capital improvement
6 that's preventing the hotel from reopening right
7 now?

8 MS. LUNDY: Objection.

9 A. Yeah. I mean, there's holes in all our
10 bathroom ceilings that need to be fixed; the
11 elevator has incomplete modernization; I think
12 we're almost finished with the chillers -- I don't
13 remember off the top of my head -- and I don't know
14 where we are on the fire panel; I think that's
15 probably done, but I don't -- I can't recall.

16 Q. And as you sit here today, you'd agree with
17 me that there's no specific timeline for the
18 project to be over?

19 MS. LUNDY: Objection.

20 A. No, I don't have an end date.

21 Q. Would you agree with me that the
22 November 1st, 2021 communication with the
23 furloughed employees was the last time that you
24 sent a memo to the furloughed Four Seasons New York
25 employees?

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1 MS. LUNDY: Objection.

2 A. I don't remember.

3 MS. RISMAN: Do you have Exhibit 52? So
4 that's previously been marked as Exhibit 52
5 (indicating).

6 Q. So, Ms. Ortiz, I'm going to be showing you
7 the exhibit that's been previously marked
8 Exhibit 52, and it's a memo that went out to all of
9 the furloughed employees, correct?

10 A. Well, this would have gone to everybody.
11 Yes.

12 Q. Would you agree with me that that was the
13 last time that this type of memo was sent out to
14 the furloughed employees of Four Seasons New York?

15 MS. LUNDY: Objection.

16 Q. Do you know?

17 A. I don't remember. It's possible. I don't
18 know.

19 Q. Ms. Ortiz, when is the last time that you
20 corresponded with Ms. Cathy Hwang?

21 A. I don't recall.

22 Q. Was it in the last year?

23 MS. LUNDY: Objection.

24 A. I don't remember.

25 Q. Did there come a time that you corresponded

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1 with Ms. Cathy Hwang related to the reopening of
2 the hotel?

3 A. I don't remember.

4 Q. Was there ever a time that she asked you to
5 provide her with the total number of nonunion
6 employees that would consider going back to work
7 when the hotel reopens?

8 A. I don't remember that specifically. No.

9 Q. Okay.

10 (Whereupon, an e-mail chain between
11 Cathy Hwang and Elizabeth Ortiz dated 3-30-20
12 and 3-31-20 and Bates-stamped WarnerDEF009110
13 was marked as Plaintiffs' Exhibit 24 for
14 identification, as of this date.)

15 Q. Ms. Ortiz, I'm going to be showing you
16 what's just been marked as Plaintiffs' 24 and ask
17 you to take a look at that, please. Are you ready?

18 A. Yes.

19 Q. Would you agree with me that that's an
20 e-mail exchange between you and Cathy Hwang?

21 A. Yes.

22 Q. And in that e-mail exchange, she's asking
23 you to provide her with the number of salaried and
24 hourly nonunion employees that are currently
25 furloughed and that the hotel would expect to

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1 recall if the hotel opened again?

2 MS. LUNDY: Objection.

3 A. Well, she's asking the number of nonunion
4 employees we would consider calling back -- she
5 didn't say, like, that are currently furloughed or
6 anything -- when the hotel reopens. Yes.

7 Q. And you then responded to her, correct?

8 A. Yes.

9 Q. And you stated that there were "58 salaried
10 and hourly non-union employees that are currently
11 furloughed and that we would expect to recall in a
12 reopened hotel."

13 A. Yes.

14 Q. Where did you get the number 58 from?

15 A. From the number of people that are
16 furloughed.

17 Q. Did you then subtract the number of people
18 that resigned?

19 A. Yeah, of course. That's why I would have
20 said, "Of course, we would need more than that
21 number to operate the hotel. Many originally
22 furloughed employees have moved and and we would
23 need to replace them..." So yes.

24 Q. After this e-mail, was there ever another
25 discussion with Ms. Hwang related to bringing back

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1 nonunion furloughed employees?

2 MS. LUNDY: Objection.

3 A. I don't remember.

4 Q. Okay. And after this e-mail was exchanged,
5 was anything done to call nonunion employees to
6 discuss whether they would want to go back and work
7 at the hotel?

8 A. No.

9 MS. RISMAN: We'll just take a five-minute
10 break.

11 MS. LUNDY: Sure.

12 (Whereupon, a break was taken at 6:16 p.m.,
13 and the deposition resumed at 6:23 p.m.)

14 Q. Ms. Ortiz, would you agree with me that at
15 the time that the Four Seasons New York closed,
16 they were looking at other hotels that were also
17 closing at or around the same time to determine
18 whether or not the Four Seasons New York should
19 close?

20 MS. LUNDY: Objection.

21 A. I don't know. I don't know how that
22 decision was made.

23 Q. Did you ever speak to Rudy Tauscher about
24 the competitive set of hotels that was closing at
25 or around the same time as a result of the COVID

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1 pandemic?

2 A. I don't know that I did specifically; I'm
3 sure that the Executive Committee had conversations
4 around it. I don't recall.

5 Q. Are you aware the hotels in the competitive
6 set are all reopened?

7 MS. LUNDY: Objection.

8 A. I'm not quite sure -- no, I'm not.

9 Q. Do you know if the Pierre opened?

10 MS. LUNDY: Are you speaking about
11 New York City or in general?

12 Q. So in New York -- I'm sorry. So let me ask
13 you again. Do you know if -- do you know if the
14 Four Seasons Downtown reopened?

15 A. Yes.

16 Q. And it's open for business, correct?

17 A. Yes.

18 Q. And do you know when it reopened?

19 A. I don't remember.

20 Q. Do you know if it reopened in 2000?

21 A. I don't remember.

22 Q. Okay. When Mr. Tauscher resigned from being
23 the General Manager, he went to work for a
24 competitive hotel, correct?

25 MS. LUNDY: Objection.

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1 A. I don't know that it's exactly in our comp.
2 set, but it's in the luxury segment.

3 Q. When he went to work there, did anyone
4 announce to the employees that were on furlough
5 that the General Manager of the Four Seasons
6 New York had resigned?

7 A. That would have gone out in an announcement.
8 Yes.

9 MS. LUNDY: Objection.

10 Q. Do you what date that announcement was?

11 A. It would have been in a newsletter in
12 January of 2021 or in February.

13 Q. Do you know if the Four Seasons Hotel
14 New York has posted any job listing for a new
15 General Manager?

16 A. I think I answered that question this
17 morning, and no.

18 Q. Did it -- withdrawn.

19 Did anyone ever ask you to apply for the
20 General Manager position at the Four Seasons
21 New York?

22 A. No.

23 Q. How many WARN notices were sent to each of
24 the employees that received a WARN notice that were
25 furloughed?

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1 MS. LUNDY: Objection.

2 A. What do you mean "how many"?

3 Q. Did you ever send more than one WARN
4 notice --

5 A. -- to the same individual?

6 Q. Yes. My question to you is, did you ever --
7 withdrawn.

8 Did the Four Seasons New York ever send more
9 than one WARN notice to the same individual?

10 MS. LUNDY: Objection.

11 A. I don't remember.

12 Q. Okay. Did you ever investigate whether more
13 than one notice, in compliance with the WARN Act,
14 had to be sent to the same individual when that
15 employee was on furlough for longer than six
16 months?

17 MS. LUNDY: Objection to the extent it calls
18 for privileged communication.

19 A. I would have had that conversation with my
20 Counsel.

21 Q. So prior to reopening the hotel, do you
22 believe the General Manager position has to be
23 filled?

24 A. Yes.

25 Q. And how long does it take normally to hire a

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1 General Manager --

2 MR. WAGNER: Objection.

3 Q. -- for a hotel as the Four Seasons New York,
4 in your opinion?

5 MS. LUNDY: Objection.

6 MR. WAGNER: Objection.

7 A. I can't speculate. It depends on the labor
8 pool, it depends on the accessibility, it depends
9 -- there's multiple factors involved.

10 Q. So once the layoff extended for over six
11 months for each of the furloughed employees, is it
12 fair to say that you're not aware of any second
13 WARN notice going out to those individuals?

14 MS. LUNDY: Objection.

15 A. I said I don't remember. Not that I'm not
16 aware; I just don't recall if we sent second
17 letters.

18 Q. Do you know if the Four Seasons should have
19 sent second letters to those individuals?

20 MR. WAGNER: Objection.

21 MS. LUNDY: Objection to the extent it calls
22 for privileged communication.

23 A. No.

24 Q. I have no further questions.

25 MS. LUNDY: Thank you. I just have a few.

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1 MS. RISMAN: I mean, if I have any --

2 MR. WAGNER: I may. I take a wait-and-see
3 approach.

4 MS. LUNDY: I don't have many.

5 CROSS EXAMINATION BY

6 MS. LUNDY:

7 Q. Hi, Ms. Ortiz. Thank you for your time
8 today; I just have a few follow-up questions.
9 Ms. Ortiz, did you testify today in your personal
10 capacity based on your own personal knowledge?

11 A. Yes.

12 Q. Are you testifying today on behalf of anyone
13 else?

14 A. No.

15 Q. Does the EmPact agreement permit employees
16 to have outside employment while still being
17 subject to the terms and benefits of the EmPact
18 agreement?

19 A. Yes.

20 MS. RISMAN: Objection.

21 Q. I'm going to refer you to Exhibit 22,
22 please, at Page 27.

23 MR. BRUSTEIN: Which exhibit are you looking
24 at?

25 MS. LUNDY: Exhibit 22.

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1 MS. RISMAN: Is that Plaintiffs' Exhibit 22?

2 MS. LUNDY: Plaintiffs' Exhibit 22.

3 Q. Ms. Ortiz, you've testified about
4 Plaintiffs' Exhibit 22 today, have you not?

5 A. Yes.

6 Q. And I'm referring to Page 27 of the EmPact
7 agreement. Do you see that?

8 A. Yes.

9 Q. And you just testified that the EmPact
10 agreement permits employees to, quote, "have
11 outside employment." Is the provision set forth on
12 Page 27 the basis of that statement?

13 A. Yes.

14 Q. Ms. Ortiz, you previously today listened to
15 a recording purportedly of a June 25th, 2021 town
16 hall meeting, did you not?

17 A. Yes.

18 Q. And in that recording, you stated, quote,
19 "If you do leave place of employment, you would not
20 be eligible for severance," end quote. What did
21 you mean by that statement?

22 A. Not being eligible for severance?

23 Q. Yes.

24 A. That person resigns.

25 Q. So when you said, "if you do leave place of

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1 employment, you would not be eligible for
2 severance," that was referring to an individual who
3 would resign?

4 A. That's correct.

5 Q. But not someone who might find outside
6 employment, which is permissible by the EmPact
7 agreement?

8 A. That's correct.

9 Q. I'm going to refer you to the C.A.R.E.
10 processing EmPact agreement that you also testified
11 about today; it begins on Page 54 of the EmPact
12 agreement.

13 A. Yes.

14 Q. If you received a complaint about an
15 employee's terms and conditions of employment, what
16 would you do?

17 MS. RISMAN: Objection.

18 A. Follow the C.A.R.E. procedure.

19 Q. And what does a C.A.R.E procedure set forth
20 that pertains to your role with -- at -- Hotel 57
21 Services, LLC?

22 MS. RISMAN: Objection.

23 A. The first step involves receiving a written
24 complaint regarding the complaint.

25 Q. Can you refer me to the specific step within

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1 C.A.R.E. that you're referring to?

2 A. So on Page 54, Step Two, essentially, if the
3 problem's not resolved with their immediate
4 supervisor, the employee is directed to file a
5 written complaint with the Human Resources Office
6 within 14 days after the event, and that I can --
7 that I can -- assist them in preparing the
8 complaint.

9 Q. And what happens after that through the step
10 C.A.R.E. process that you would be involved in?

11 A. After having received a written complaint,
12 then I would review the complaint -- like,
13 investigate it, I guess.

14 Q. Would that be in Step Three of the C.A.R.E.
15 process?

16 MS. RISMAN: Objection.

17 A. Yes.

18 Q. And what would happen after Step Three of
19 the C.A.R.E. process that you would be involved in?

20 MS. RISMAN: Objection.

21 A. Following up in writing the decision based
22 on the original complaint.

23 Q. Step Four provides that "The Director of
24 Human Resources will issue a written decision to me
25 within 7 days after the close of the

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1 investigation." Is that what it says?

2 A. Yes.

3 Q. Is that referring to you?

4 A. Yes.

5 Q. And if an individual was unhappy with a
6 written decision, what could they do under the
7 C.A.R.E. process?

8 MS. RISMAN: Objection.

9 A. They could either go to the General Manager
10 or -- it says the General Manager, but assuming it
11 would be a leader on property, and then, the --
12 then they can file for arbitration mediation.

13 Q. As you sit here today, are you aware of any
14 complaints received by Human Resources relating to
15 no-fault separation pay under Step Two of the
16 C.A.R.E. process under the EmPact agreement?

17 MS. RISMAN: Objection.

18 A. No.

19 Q. I have no further questions.

20 MS. RISMAN: We're back on the record.

21 REDIRECT EXAMINATION BY

22 MS. RISMAN:

23 Q. So, Ms. Ortiz, have you conducted any
24 investigations based on any of the complaints of
25 any of the furloughed employees?

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1 MS. LUNDY: Objection.

2 A. But I've not received any written complaints
3 specifying specific complaints, so -- and I think
4 I've said before that there's no investigation.
5 Investigation into what? I mean, it's a
6 rhetorical.

7 Q. So my question to you is, even had you
8 received complaints regarding why furloughed
9 employees were not paid their no-fault severance
10 pay, you're saying that no investigation had to be
11 conducted, correct?

12 MS. LUNDY: Objection. It's a
13 mischaracterization.

14 A. No. I'm not saying that. I'm saying that I
15 have not received any formal written complaints
16 regarding no-fault separation pay. What I have had
17 are conversations, and not characterized
18 necessarily as complaints.

19 Q. Ms. Ortiz, you've received multiple
20 complaints in the chat box during that June 25th,
21 2021 meeting, correct?

22 MS. LUNDY: Objection.

23 A. But see, you keep using that word
24 "complaint." I don't think that that's the right
25 word. I think the word "complaint" is subjective,

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1 and I think that I received multiple questions
2 regarding the severance and the hotel and the --
3 you know, just listening to that, the different --
4 you know, what was going on as far as the -- the --
5 whatever renovation, structural. Yeah.

6 Q. Ms. Ortiz, is furlough a type of leave of
7 absence for an employee based on --

8 A. Say that again?

9 Q. Is a furlough a type of leave of absence for
10 an employee based upon your work?

11 MS. LUNDY: Objection to the extent it's
12 beyond the scope of the Cross Examination.

13 MS. RISMAN: It's not beyond the scope of
14 the Cross Examination.

15 Q. When an employee of the Four Seasons
16 New York is out on leave, can that leave also be
17 furloughed?

18 MS. LUNDY: Objection.

19 MR. WAGNER: Objection.

20 MS. LUNDY: It's beyond the scope of Cross
21 Examination.

22 A. I don't understand the question.

23 Q. Are the furloughed employees out on leave?

24 A. They're furloughed.

25 Q. When they're furloughed, does that mean

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1 they're also out on leave?

2 MR. WAGNER: Objection.

3 MS. LUNDY: Objection. This is beyond the
4 scope of the Cross Examination, and this
5 question's now been asked repeatedly.

6 Q. Okay.

7 MS. LUNDY: You can answer.

8 A. They're furloughed. It's different
9 terminology meaning different things.

10 Q. And when an employee is out on leave, what
11 does that mean?

12 MS. LUNDY: Objection to the extent it's
13 beyond the scope of Cross Examination.

14 A. Well, is it medical leave? Is it family
15 leave? Is it child bonding leave? It's all under,
16 like, FMLA. Is it personal leave for personal
17 reasons? Leave of absence is usually medical or
18 personal leave at the request of the employee.

19 Q. Ms. Ortiz, would you agree with me that
20 moonlighting is different than having another
21 full-time job?

22 A. No.

23 Q. What does moonlighting mean?

24 MS. LUNDY: Objection.

25 A. Having a job.

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1 Q. Do most moonlighting jobs provide for
2 benefits?

3 MS. LUNDY: Objection.

4 A. I can't speak to that.

5 Q. Have you ever done any moonlighting
6 yourself?

7 MS. LUNDY: Objection. Beyond the scope of
8 Cross Examination.

9 A. I don't know. Have I maintained more than
10 one job? I don't think so. Maybe.

11 Q. When you worked moonlighting somewhere, did
12 you get benefits from that job?

13 MS. LUNDY: Objection.

14 A. I don't remember. I can't even specify what
15 it was, so I don't know.

16 Q. Does leave of absence have to be paid or
17 unpaid?

18 A. It depends on the scope of the leave.

19 Q. What leave of absence is paid?

20 MS. LUNDY: Objection. Once again, we're
21 well beyond the scope of Cross Examination, and
22 I ask Ms. Rismen to be mindful of these ongoing
23 objections and the improper questions that
24 continue to be asked.

25 A. Say the question again?

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1 (Whereupon, the requested portion of the
2 record was read back.)

3 A. There's paid family leave, there's
4 short-term disability, there's long-term
5 disability, there's -- personal leave of absence
6 can be paid using PTO time. It depends on the
7 context.

8 Q. But you'd agree with me that when somebody's
9 on leave of absence, they are not working at that
10 time, correct?

11 MS. LUNDY: Objection.

12 A. Correct.

13 Q. I have no further questions. Thank you.

14 MS. LUNDY: Thank you.

15 MR. WAGNER: Nothing for me.

16 MS. LUNDY: We reserve our right to review
17 and signature.

18 (Whereupon, this examination was concluded
19 at 6:40 p.m.)
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CERTIFICATION

I, DAVID NOVICK, a Notary Public for and within
the State of New York, do hereby certify:

That the witness whose testimony as herein set
forth, was duly sworn by me; and that the within
transcript is a true record of the testimony given
by said witness.

I further certify that I am not related to any of
the parties to this action by blood or marriage,
and that I am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 3rd day of April, 2023.

David Novick

DAVID NOVICK

* * *

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1 ERRATA SHEET

2 CASE NAME: SELENA STALEY, VIVIAN HOLMES, and
3 OLIVE IVEY, on behalf of themselves
4 and all others similarly situated
5 v. FSR INTERNATIONAL HOTEL INC.
6 d/b/a FOUR SEASONS HOTELS AND
7 RESORTS, HOTEL 57 SERVICES, LLC,
8 HOTEL 57, LLC, TY WARNER HOTELS &
9 RESORTS, LLC, and H. TY WARNER.

10 DATE OF DEPOSITION: 4-3-23

11 WITNESS' NAME: ELIZABETH ORTIZ

12	PAGE/LINE(S) /	CHANGE	REASON
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20 _____
21 ELIZABETH ORTIZ

22 SUBSCRIBED AND SWORN TO
23 BEFORE ME THIS _____ DAY
24 OF _____, 2023.

25 _____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

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225:4 226:24 244:18	
247:18	
York 7:11,12 27:1,4,13	
28:12,17 29:4,17 30:1	
32:7,25 33:6,22 41:2,	
11,16,17 43:10,15	
49:14,23 50:5,10,14,23	
51:8,15,18,23 52:17	
55:12,17 62:7 70:15	
80:16 81:17 83:20,24	
84:4,22 85:4,9,20	
94:15,22 95:2 96:15	
101:8 105:13 113:22	
117:12 118:24 119:4,7,	
14 121:11,17,18,20	
122:10,14 124:4 126:8	
127:2 130:16,25 132:10	
133:2,4,8,13,20,25	
138:7 139:9,16 145:13,	
16 146:1 147:10 149:22	
152:16 153:1,11,25	
154:8,12,23,25 157:1,	
16 158:2,13 160:25	
161:19 162:8,17 165:17	

ELIZABETH ORTIZ
APRIL 03, 2023

JOB NO. 568002

ERRATA SHEET

CASE NAME: SELENA STALEY, VIVIAN HOLMES, and
OLIVE IVEY, on behalf of themselves
and all others similarly situated
v. ⁴³FSR INTERNATIONAL HOTEL INC.
d/b/a FOUR SEASONS HOTELS AND
RESORTS, HOTEL 57 SERVICES, LLC,
HOTEL 57, LLC, TY WARNER HOTELS &
RESORTS, LLC, and H. TY WARNER.

DATE OF DEPOSITION: 4-3-23

WITNESS' NAME: ELIZABETH ORTIZ

PAGE/LINE(S) /	CHANGE	REASON
19 / 25	From: "employer's at Hotel 57"	Clarification
	To: "employer is Hotel 57 Services, LLC"	
20 / 23	From: "Hotel 57" To: "Hotel 57 Services, LLC"	Clarification
21 / 8	From: "employer's at Hotel 57"	Clarification
	To: "employer is Hotel 57 Services, LLC"	
32 / 20	From: "That's" To: "That was"	Clarification
36 / 17	From: "people" To: "people working in the building"	Clarification
74 / 11	Remove: "I mean--"	Clarification
75 / 1-16	From: "my direct report is--would be"	Clarification
	To: "I directly report to"	
76 / 5	Remove: "and"	Clarification
76 / 7	Remove: "and"	Clarification
80 / 1-2	Remove: "--like, I don't know--"	Clarification
80-81 / 25-1	Remove: "--I would have been given direction--"	Clarification
95 / 16	Remove: "given"	Clarification
95 / 18	Remove: "that"	Clarification
95 / 19	Remove: "that we"	Clarification
95 / 19	From: "prepared" To: "prepaire"	Clarification
95 / 20	Remove: "the distribution"	Clarification
98 / 6-7	Remove: "in the--if--typically, and--yeah. Yes."	Clarification
100 / 2	From: "we closed" To: "when we temporarily closed"	Clarification
115 / 1	Remove: "No"	Clarification


ELIZABETH ORTIZ

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OF June, 2023.


NOTARY PUBLIC

CHANDRANIE DARSEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DA6441354
Qualified in New York County
Commission Expires September 26, 2026

MY COMMISSION EXPIRES 09-26-2026

ELIZABETH ORTIZ
APRIL 03, 2023

JOB NO. 568002

ERRATA SHEET

CASE NAME: SELENA STALEY, VIVIAN HOLMES, and
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and all others similarly situated
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DATE OF DEPOSITION: 4-3-23

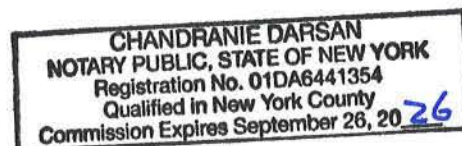
WITNESS' NAME: ELIZABETH ORTIZ

PAGE/LINE (S) /	CHANGE	REASON
115 / 12-13	Remove: "all at once. I mean, there were people"	Clarification
115 / 14-15	From: "people in the building, but there have been people in the building"	Clarification
	To: "people working in the hotel and there have been people working in the hotel"	
116 / 25	Remove: "Either I did or--"	Clarification
140 / 20	From: "expectation, because"	Clarification
	To: "Expectation she would be because"	
140 / 20-21	Remove: "I don't think -- I don't think we knew."	Clarification
140 / 22	Remove: "holding onto, like"	Clarification
140 / 24	From: "expectation."	
	To: "expectation we would need to temporarily lay her off."	Clarification
141 / 7-8	Remove: "--you know, where"	
141 / 8	From: "weeks at the time,"	Clarification
	To: "expected to only be weeks, then"	
141 / 9	Remove: "now"	Clarification
141 / 16	From: "dates,"	Clarification
	To: "dates, and we continue to plan for re-opening."	
142 / 21	From: "2021."	Clarification
	To: "2021. And it is the Hotel's expectation that it will reopen."	

Elizabeth Ortiz
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WITNESS' NAME: ELIZABETH ORTIZ

PAGE/LINE(S) /	CHANGE	REASON
144 / 7	Remove: "on-- actually on a regular basis"	Clarification
144 / 13	From: "were on" To: "were on temporary"	Clarification
145 / 7	From: "this." To: "when the hotel will reopen."	Clarification
147 / 5-6	Remove: "it would be a matter-- it would be"	Clarification
150 / 5-7	Remove: "Well, I think it's the operator known as Four Seasons, then it's Hotel 57 Services, LLC, then it's the-- and then the ownership. So"	Clarification
150 / 8-9	From: "there's the ownership entity, there's the operator entity, then there's the property" To: "It's the ownership entity, the operator entity, and the property"	Clarification
151 / 20	Remove: "Can Hotel 57 Services, LLC."	Clarification
151 / 20	From: "it" To: "It"	Clarification
151 / 25	Remove: "the--"	Clarification
152 / 1-2	Remove: "that represents Mr. Warner"	Clarification
152 / 5-6	Remove: "I mean, my-- you know, I haven't spoken with Cahty in a long time."	Clarification
153 / 17	Remove: "-- the call for-- whatever"	Clarification
159 / 21	From: "it" To: "it were."	Clarification
164 / 10-12	Remove: "and I can't-- this, I think specifically, is from my office, based on conversations we would have had."	Clarification

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PAGE/LINE(S) /	CHANGE	REASON
189 / 8-11	Remove: "and we wanted to make sure that-- I	Clarification
	guess that we had the-- I don't know what we wanted	
	to make sure. I think that"	
189 / 11	From: "there" To: "There"	Clarification
197 / 24	Remove: "under the--whatever"	Clarification
197 / 25	From: "employee, was"	Clarification
	To: "nonunion employees who were"	
198 / 1-2	Remove: "or whatever, that other specification is	Clarification
	privity to confidential information."	
201 / 15	From: "employee," To: "employee who has"	Clarification
201 / 15-16	Remove: "but she 's classified under the FLSA as	Clarification
	an administrative."	
201 / 17-19	Remove: "I forget what all the-- that particular-- what	Clarification
	the hell's it called?-- classification is."	
201 / 25	Remove: "I said there were the-- wait."	Clarification
202 / 1-2	Remove: "hold on a second. Did everybody get that	Clarification
	money? Yes, they did. Okay. Yeah."	
202 / 3	From: "managers" To: "managers, they"	Clarification
202 / 6	From: "hourly" To: "hourly non exempt employees."	Clarification
214 / 19	From: "been eliminated" To: "not been followed"	Clarification
214 / 23	Remove: "have been taken out of this agreement"	Clarification
218 / 15	Remove: "till"	Clarification

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